

India and International Norms: R2P, Genocide Prevention, Human Rights, and Democracy

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[1] INTRODUCTION

The doctrine of responsibility to protect (R2P), India's permanent representative to the United Nations declared in a speech in October 2012, "is the most important challenge that the international community, anchored in the United Nations, is going to face."¹ Arguing that the initial suspicion of many developing countries toward the newest norm in international relations was misplaced, he supported the need for a "collective response by the international community to ensure that mass atrocities like genocide, ethnic cleansing, crimes against humanity do not take place." Explaining why India had abstained on a United Nations Security Council (UNSC) resolution authorizing military intervention in the Libyan civil war of 2011, he judged that implementation of the doctrine "gives R2P a bad name."

The Indian diplomat's arguments are a good example of India's attitude toward international norms infringing on state sovereignty in furtherance of human security, human rights, or liberal democratic goals. This chapter argues that India takes a middle path, supporting the evolution of human rights and democratic norms, but exercising caution in the manner of their implementation. It delves into the foundations of India's policy approach toward two sets of norms: those concerning human security and those pertaining to liberal democracy. It interrogates these norms as they have evolved and examines them from an Indian perspective. It

concludes by exploring how Indian foreign policy in the context of these norms might change as India emerges to become a more powerful player in international politics.

[1] THE MIDDLE PATH

Constitutional values, a democratic political culture, and a diverse, plural society make India generally supportive of defending the world's people from oppression and promoting human rights and democracy. New Delhi's foreign policy orientation is at the very least consistent with a rules-based international order and is underpinned by liberal democratic values. The Indian republic's subscription to liberal international norms, however, has been tempered both by competing norms and by reservations about the nature of international interventions. The result is a foreign policy that treads a middle path.

[2] *An Idealistic Orientation*

Part of the orientation toward liberal international norms is inherent in the Indian republic. Both its birth from a nonviolent struggle for freedom that focused on moral high ground and the values of its influential founding fathers have created a grand narrative that upholds freedom, human rights, and democracy. While this has not translated into a political impetus for promoting the Indian republic's political values abroad, it is nevertheless a reference point from which to measure departures from policy positions.

In fact, in the years preceding and immediately after independence, Gandhi's pacifism and Nehru's One Worldism put the pursuit of liberal internationalism on a higher pedestal than mere national interest.² India's first foreign policy debates marked the triumph of the high

idealism of Mohandas K. Gandhi and Jawaharlal Nehru over the realism of Abul Kalam Azad³ and Vallabhbhai Patel. While even during Nehru's early years this idealism came to be tempered by its unfavorable outcomes—for instance, over Pakistani aggression in Jammu and Kashmir (J&K)—it was the debacle of the India-China War of 1962 that jolted the New Delhi establishment into investing in pursuit of national interest.⁴

Independent India's early foreign policy agenda therefore was loaded with a broad range of normative issues: from support for the United Nations (UN) and the Universal Declaration of Human Rights to the contribution of troops for peacekeeping operations and championing of disarmament negotiations.

[2] *Nehruvian Dominance*

Nehru's legacy lives on in the form of a strong internationalist constituency in India, among the policymaking elite, the media, and indeed the society at-large.⁵ This constituency is concerned with defending human rights, protecting oppressed people, and opposing oppressive regimes. It upholds the UN as an important, though imperfect, institution of global governance, favors multilateralism, emphasizes international treaties and conventions, and supports international laws, rules, and norms to change the world for the better.⁶ This is, arguably, the dominant tradition in Indian foreign policy, although its dominance has been increasingly contested over the last two decades.⁷

Safeguarding sovereignty from predations of great powers was a major priority in the decades after independence. Solidarity with fellow victims of colonial rule drove India to attempt to organize the "Third World" politically around common interests. It also caused India to ignore

massive violations of human rights or democratic norms by its co-travelers, as was the case with several postcolonial regimes of the 1950s–80s.

The not-unfounded suspicion that freedom and democracy were and remain guises under which Western powers promote their interests is another major reason for India's reservations. To the extent that there is a divergence in interests between India and the West, these reservations become more acute. Furthermore, given the handicap of not being a permanent member of the UNSC, India is prudent not to empower further a body of which it is not a member.

New Delhi's reservations also arise from the risk that promoting international norms can backfire on India's own interests, especially if India needs the political support of other UN member-states or veto-wielding members of the UNSC. The experience of referring to the UN Pakistani aggression in J&K in 1947 and of pursuing nonproliferation negotiations in good faith, only to have lasting counterproductive outcomes, has made the Indian establishment suspicious of the motives of the great powers and generally defensive in its policy outlook.

This has not prevented India from acting purposefully in support of new norms. For instance, New Delhi championed the UN Human Rights Council despite being under constant attack by international nongovernmental organizations for its record in J&K and other areas. However, at the margin, Indian diplomacy tends to regard the promotion of norms with caution.

India's approach therefore is unique—normatively, it seeks both to promote human rights and to defend sovereignty. This tradition is in contrast to the West, which tends to prioritize human rights over sovereignty, and also of authoritarian powers like China, which do the opposite.

[1] INTERROGATING NORMS

There is a tendency in public discourse to pack human rights, humanitarian intervention, promotion of liberal democracy, and to a lesser extent market capitalism in the same basket of international “morality.” It is, however, necessary to examine them separately.

This chapter limits itself to examining the responsibility to protect and the prevention of genocide as well as the promotion of a particular political order (democracy). The issue of human rights straddles these two broad categories, the former concerned with preventing the most egregious abuses and the latter with promoting political systems that respect human rights.

[2] *Crimes against Humanity*

Of the two human security themes, prevention of genocide is the older and better understood. India was among the early signatories of the Genocide Convention, which it signed in 1949 and ratified in 1959, with a caveat stating that the consent of all parties to a dispute should be required before submitting it to the International Court of Justice.

India was the first—and arguably the only—country to have intervened militarily in time to prevent a genocide. There are several explanations for the decision of Indira Gandhi’s government to send troops into a conflict in East Pakistan in 1971, which led to the birth of Bangladesh. Among the official ones offered was the need to stop the flow of refugees fleeing the Pakistan army’s genocidal campaign in East Pakistan, creating political and socioeconomic burdens that India was incapable of bearing beyond a point.⁸ Even if the official rationale is discounted, the fact is that the Indian army prevented further loss of life in conditions that would qualify as genocidal under international law.⁹