

Master Thesis

India and the Responsibility to Protect Norm: A Constructivist Analysis



Universiteit Leiden

Name: Arya Pimpale

Student ID: s1903160

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Supervisor: Ms. Diana Natermann

Second Reader: Ms. Alana O'Malley

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Abstract

India has a mixed stance on the Responsibility to Protect (R2P) norm due to its partial support to only pillars one and two and not pillar three. The first two pillars go hand in hand with the country's foreign policy on humanitarian assistance. The third pillar that states the responsibility of the international community to protect citizens from mass atrocities using military intervention is incompatible with Indian foreign policy's longstanding commitment to sovereignty and non-intervention. To comprehend India's stance on the R2P norm, this thesis traces India's views on the earlier principle of humanitarian intervention. India's past humanitarian interventions into its neighbours have taught the country that social change cannot be achieved through forced military intervention. While India has always been suspicious of western intentions behind intervention, the R2P norm is also a direct threat to India's own sovereignty as it focuses on India's domestic vulnerabilities such as its human rights situation. Combining Amitav Acharya's theory of norm localisation and feedback, and Negron-Gonzales' and Contarino's theory on compatibility between strategic interests and local norms, this thesis argues that localization of the R2P norm has not been possible in India due to incompatibility of its strategic interests, domestic norms or both with the third pillar of the R2P norm. In order to localize and accept the norm, India has attempted to limit the definition of mass atrocities under the norm to ease the threat on India's own sovereignty.

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1. Introduction

In the last decade, human rights considerations have been argued to precede sovereignty. With the establishment of concepts such as the 'Responsibility to Protect' (R2P), the previous notion of sovereignty that came with the corollary of non-intervention has been significantly undermined. (Ganguly, 2016) As per the report on the R2P norm by the principle creators of the norm, the International Commission on Intervention and State Sovereignty (ICISS), the aim of the norm was to change the definition of sovereignty from autonomy to responsibility to protect citizens. (ICISS, 2001: 13) The norm consists of three pillars, the first stating the need for every state to ensure protection of its citizens from mass atrocity crimes such as genocide, war crimes, crimes against humanity and ethnic cleansing. The failure of any state to respect the first norm leads to the second pillar that states the responsibility of the international community to assist the state in capacity-building to ensure pillar one. The third pillar consists of further measures such as intervention by the international community using humanitarian, diplomatic or peaceful means in case the responsibilities of the first and second pillars are not fulfilled. Despite being adopted by members of the UN in the 2005 World Summit, the norm lacks complete support from several states, especially from emerging and developing states. The recent crises in Libya and Syria have resulted in international divisions about the when and how R2P should be applied.

As an emerging power, India has had the opportunity to engage in the norm-diffusion or process of R2P. (Jordaan,2015) In the 2005 World Summit India was completely against the norm however, in 2009 it turned out that it only opposes the third pillar of the norm. Its opposition to the third pillar is clear from its verbal criticisms of the idea of humanitarian intervention and its decision to condemn western involvement in the break-up of Yugoslavia (Banerjee, 2015), the invasion of Iraq in 2003, and its abstinence on Libya and the Syria resolutions. (Mohan, 2011) This thesis aims to examine India's stance on the R2P norm as a whole and the underlying reasons for the same. It uses Amitav Acharya's theory of norm localization and congruence to argue that R2P norm has not been able to get

localized due to the incongruence between India's pre-existing local norms and the contents of the R2P norm. In order to localize the norm, India has attempted to modify the definition of the norm to make it compatible to its pre-existing local norms. Consequently, to comprehend the cases where India did not fully express its criticism against R2P, this thesis uses Negron-Gonzales' and Contarino's theory that local norms of states play an important role in influencing their stances on R2P unless they have strategic interests that don't go along local norms. (Negron-Gonzales & Contarino, 2014)

In the post-independence era, India took strong positions on several contentious issues for example; it strongly opposed apartheid in South Africa, actively supported people's movements in Nepal and Bangladesh and opposed the military regime in Myanmar. However, since the end of the Cold War, it has been fairly reluctant to support humanitarian intervention by military means. It is clear from statements by the politicians that India has absolutely no issues with the first two pillars due to its longstanding tradition of humanitarian assistance and peacekeeping. However, it opposes the third pillar due to several factors, such as its persisting scepticism of the international human rights regime rooted in its long-standing commitment to the notions of sovereignty and non-intervention, its suspicion of western intentions, belief in the view that forced military intervention cannot bring social change, and lastly, domestic vulnerabilities such as the government's negligence to human rights violations within its borders.

In order to fully comprehend India's stance on the norm, it is important to examine its attitudes towards humanitarian assistance, humanitarian intervention and R2P together as these concepts are closely related. **Section 4** of the thesis begins with a discussion on the concept and practice of humanitarian intervention. It gives a brief history of humanitarian intervention and talks about the political contestation surrounding the practice.

Section 5 looks at the Responsibility to Protect norm. It talks about the emergence of the norm and the problems associated with the norm, for instance, the political contestation surrounding the third pillar, accusations of legal ambiguity, etc. that

have shaped the attitudes of countries to the norm.

Section 6 discusses India's attitudes towards the first two pillars of the R2P norm. This section looks at the underlying reasons behind India's support to the first two pillars. It consists of an analysis of India's attitudes towards the idea of giving and further its model of Humanitarian Assistance that influence its support to the first two pillars of the norm.

Section 7 examines India's attitude towards the third pillar of the norm. It focuses on three explanations, India's commitment to the principle of non-intervention, its concern regarding the abuse of the norm, and its domestic vulnerabilities, that is the government's persistent negligence towards domestic human rights violations. This section also throws light on instances that act as evidence of India's strategic and self-interested motives with regards to its stances on R2P, especially on resolution 1973 that authorized intervention in Libya.

2. Literature Review

With regards to existing work in my area, my research topic has recently attracted attention from international relations scholars and political analysts. There is a considerable amount of literature on both, the diffusion process of the R2P norm, which is essentially constructivist literature, and explanations of India's position on the norm and its role in the diffusion process of the norm.

International norms have attracted a huge amount of International Relations scholarship, mainly to understand how international norms could impact state behaviour or how they are created and become accepted among the international community. This thesis uses constructivist work on how norms are disseminated, how states behave to influence the legitimacy of the norms, and how norms can themselves shape state behaviour. Authors such as Martha Finnemore, Kathryn Sikkink, Thomas Risse and Stephen Ropp are among the first scholars to write on the global norms. Sikkink and Finnemore's (1998) work on 'norm lifecycle' and Risse, Ropp and Sikkink's (1999) work on 'socialization' of norms argues that norms are primarily created by norm entrepreneurs, endorsed by some states which would lead to the process of norm socialization, through which previous local norms of states would be replaced by the new norm. Amitav Acharya's (2013) work on norm-diffusion focuses on how norms are reconstructed or edited to adjust to local norms and identities of states. He stresses that the feedback mechanism where states try to modify norms is an integral part of the process of localization of an international norm. (Acharya, 2013) This argument goes hand-in-hand with the argument made by Melinda Negron-Gonzales and Michael Contarino that local norms of states play an important role in influencing their stances on R2P unless they have strategic interests that don't go along local norms. (Negron-Gonzales & Contarino, 2014) The authors give specific attention to the third pillar of the R2P norm and observe and analyse a broad range of state responses to it. They argue that states that comply with the third pillar are states whose strategic interests and local norms are at harmony with the third pillar whereas states that are reluctant to comply with or

criticize the third pillar do so either because their strategic interests are affected by the norm or their local norms clash with the norm.

Therefore, the vast literature that helps understand how and why R2P is more accepted by some countries and lesser by others proves useful to analyse India's responses to the norm. The following paragraphs in this chapter consists a review of the literature surrounding explanations for India's attitude towards humanitarian intervention.

With regards to R2P, Negron-Gonzales calls India a 'normatively conflicted' state due to its apparent support for norms such as human rights as well as non-interference and anti-imperialism, which clash where the third pillar of R2P is concerned. (Negron-Gonzales, 2014) Mohan argues that India's reluctance to spread the liberal agenda through intervention and democracy promotion is due to its prime focus on increasing its sphere of influence in the international arena. (Mohan, 2015) According to him India's aspiration for power and influence in Asia as well as internationally through its involvement in multilateral forums such as the BRICS and IBSA, gains more weight in India's foreign policy than its commitment to promoting liberal values abroad. From this explanation, it can be explained that strategic interests and realpolitik could undermine human rights considerations in several cases, similar to the argument made by Negron-Gonzales. Another very prominent argument that explains India's attitude towards humanitarian intervention is that it is highly sceptical of the international human rights regime due to its firm belief in the notions of sovereignty and non-intervention. (Banerjee, 2015: 27; Roth and Hicks, 2013; Boyle, 2016: 45; Mukherjee, 2015;) Ganguly supports this argument and adds that India's concerns regarding the possibility of great powers abusing the principle of 'Responsibility to Protect' (R2P) further increases its scepticism for the existing international human rights regime. This is clear from its opposition of the third pillar of R2P that focuses on the methods the international community can use to protect populations from human rights abuses. (Ganguly, 2016) Ganguly's work however misses the argument that India's actions were also driven by strategic and self-interested motives. It is well proven today that human rights considerations are

not the only drivers behind humanitarian assistance and intervention by states. Scholars such as Bajpai (2011) and Shrivastav (2011) throw light on India's strategic motives behind its decision to abstain on the Libya resolution that authorized military intervention.

Stuenkel and Virk argue that India supports the first two pillars of the principle because it supports the existence of the norm but opposes the third pillar mainly because it disagrees with the methods used to apply the norm. (Stuenkel, 2014; Virk 2015, p. 107) Banerjee and Jacob focus on how India's fear of being on the receiving end of intervention for its domestic human rights practices stops it from supporting the third pillar of R2P that authorises humanitarian intervention. (Banerjee, 2015; Jacob, 2015) India has a long history of communal violence within its borders such as the anti-Sikh violence in New Delhi in 1984, 1991 torture and mass rape of hundreds of civilians in Kashmir by the Indian army, and the 2002 anti-Muslim violence in Gujarat to name a few. (Jacob, 2015) India set up the National Human Rights Commission (NHRC) in 1992 to ease external pressures on the country. Banerjee also emphasizes on how state capacity can act as a barrier to promote and influence discourse outside its border. (Banerjee 2015:27)

All the above-mentioned explanations can answer how norm localization has not been possible in India due to the lack of congruence between the R2P norm and India's national interests or domestic norms or both combined.

3. Methodology

With regards to sources, this thesis has used both primary and secondary sources. Primary sources include transcripts of statements or speeches from Indian governmental officials regarding domestic and international human rights issues, and documents on the government's voting records. Secondary sources include journal and newspaper articles, online magazine articles, reports from NGOs and books.

This thesis has used a combination of constructivist and post-colonial international relations scholarship to understand how constructed perceptions of morality combined with strategic interests allow some international norms to be more accepted over others. In several cases to date, 'good' or 'moral' international norms have prevailed over 'bad' or 'immoral' local beliefs and practices. Global norms fail to gain acceptance from a particular state mainly due to the conflict between the global norm and the state's pre-existing local norms. As Amitav Acharya argues, norm localization enables international norms to gain more acceptance and respect. (Acharya, 2004)

Norm localization can be described as the process of analysing the compatibility of a certain emerging international norm with pre-existing local norms. Domestic political structures play a significant role in shaping normative transformation. (Acharya, 2004) Often local agents reconstruct foreign norms to ensure that the norms fit the agents' cognitive priors and identities. Acharya (2004) describes this process as the congruence building of norms. For many international norms, norm acceptance differs among countries. In this specific article on Norm Localization by Acharya, the case studies used are those of two transnational norms on ASEAN and how each ASEAN member state responded to the norms differently. However, in the context of this thesis, Acharya's theory of norm localization is used to understand the extent to which India accepted the R2P norm and the underlying reasons for the same. Furthermore, the thesis will combine this stance with post-colonial literature that

would help comprehend the influence of the country's colonial past on its positions on the R2P norm.

Acharya's approach to norm localization is used to understand the case of India for several reasons. Scholars such as Finnemore and Sikkink view norm diffusion as a top-down process in which constructed global norms are either accepted or rejected by states. (Sikkink and Finnemore, 1998) This approach only focuses on the compliance and rejection by states and not of the possibility of states trying to provide feedback regarding the norm or shaping it to match their local norms. It also fails to throw light on what causes states to comply or reject a particular norm. Acharya's norm-localization theory fills both these gaps. It helps examine India's attempt to confine the meaning of the norm in order to make it compatible with its domestic norms and helps understand the various factors that influence its position and decisions on the norm. One of the various factors that influence India's stance on the third pillar of R2P that authorizes humanitarian intervention, is the the post-colonial underpinnings of Indian foreign policy will be discussed in detail in Section 7.1. Consequently, Negron-Gonzales' and Contarino's work on understanding national responses to the R2P norm is useful in the case of India as the authors argue that a state's response and feedback to an international norm are influenced by both national strategic interests and domestic norms. (Negron-Gonzales & Contarino, 2014) They further argue that if strategic interests go against local norms, then states can tend to respond based on the former. (Negron-Gonzales & Contarino, 2014) This theory helps understand India's half-hearted criticism of humanitarian intervention under R2P.

4. Humanitarian Intervention

Humanitarian Intervention has been described as a state's utilization of military force to intervene into another state with the intention of protecting masses from largescale human rights violations occurring in the state. (Frye, 2000) Humanitarian intervention is not a new concept and has been applied several times throughout history. While the question about whether humanitarian intervention should be an international norm is currently a hot international political debate, the practice of humanitarian intervention is an old one. It is only recently that researchers and academics have started delving deeper into the history of humanitarian intervention.

Gary Bass, known for his pioneering research on the history of humanitarian intervention, examined interventions of the Great Powers in the Ottoman Empire during the nineteenth century, the Greek War of independence in 1821, the European intervention in the civil war in Syria in 1860, etc. (Bass, 2008) During the Cold War era, the numbers of interventions were relatively fewer due to the ongoing superpower rivalry leading to proxy wars. The Cold War saw several interventions justified on apparent humanitarian grounds took, such as the Indian intervention in East Pakistan in 1971 to stop mass atrocities against civilians, Vietnamese intervention in Kampuchea (now Cambodia) to stop the brutal Khmer Rouge in 1978, and the Tanzanian intervention in Uganda to overthrow Idi Amin's killer regime in 1979, to name a few. (Klose, p. 9-11; Bass, 2008) In the Post-Cold War era, the number of interventions with humanitarian justifications rose with the UN becoming powerful and realizing the need to respond to mass human rights abuses across the world during the period. These include the intervention in the former Yugoslavia and Somalia, the 1999 intervention in Kosovo by NATO, and the 2001 intervention in Iraq by the US and Britain, all of which were justified by humanitarian explanations. The interventions in this period were mainly carried out when the world order was unipolar with the US having the most power in the world. The end of bipolarity marked the beginning of international foreign policy by the US that was accurately labelled 'Democratic Realist' by Charles Krauthammer. (Krauthammer, 2004) All

interventions to date are argued to be unsuccessful as they failed to achieve the results that they intended to achieve.

The concept of humanitarian intervention has always been highly contested. As there exists no unbiased mechanism to authorize a humanitarian intervention, there is always a possibility that states can justify self-serving motives by using the language of humanitarianism. (Frank and Rodley, 1974; Paris, 2014) In fact, scholars such as Klose argue that it is impossible that a state would choose to intervene in another state on purely humanitarian grounds, there is always some strategic motive. (Klose, 2016, Paris, 2014) Consequently, the practice of humanitarian intervention comes with the problem of collateral damage that is the killing of innocent civilians.

4.1 A Brief History of India's Attitude towards Humanitarian Intervention

To examine India's stance on R2P, it is important to understand what from India's history shapes its attitudes towards the norm. The principle of humanitarian intervention is considered the earlier precept and the third pillar of the R2P norm. This section explores India's stances on humanitarian interventions prior to the creation of the Responsibility to Protect Norm in 2001.

India has historically intervened in its neighbouring countries to justify humanitarian ambitions. This was during the crisis in East Pakistan in 1971 and the civil war in Sri Lanka. In both these cases, however, humanitarian considerations were not the only motivators. In the case of East Pakistan, India claimed to intervene to protect the Bengali population in East Pakistan from President Yahya's harsh military policy. While Indian policymakers at the time were influenced by Nehru's ideology of non-interference, they also faced pressure from popular public opinion of Indian citizens that condemned the atrocities occurring in East Pakistan. (Bass, 2015, p. 238) Of course, India also had strategic goals stemming from its bitter history with Pakistan (Bass, 2015) but, its humanitarian concerns were definitely justified.

India intervened in the Sri Lankan civil war in 1987 and claimed it was due to its humanitarian concerns of the Sri Lankan Tamils. (Bass, 2015) With the aim of having a peacekeeping responsibility in Sri Lanka, it sent peacekeeping troops to the country on the approval of the government. The peacekeepers, sent to help achieve truce and end the conflict, ended up fighting the Liberation Tigers of Tamil Eelam. The Indian government faced pressure from the Indian Tamil population to help the suffering Tamils in Sri Lanka during the civil war in the country. Scholars such as Meier and Murthy argue that India also intervened in the two countries to increase its regional influence. (Meier & Murthy, 2011) The Sri Lankan government was not pleased when the Indian government airdropped food aid to the distressed despite their disapproval and accused India of trying to assert its dominance in the region.

The collapse of the Soviet Union affected India's economy adversely, which led to India focussing on rebuilding its economy in the 1990s. It did not have the required resources to pursue its various diplomatic ambitions during the time. Due to the outbreak of conflicts in Indian-controlled part of Jammu and Kashmir and the pressure from the international community to address human rights issues in the region, it also lacked political will to act on human rights issues abroad. (Ganguly, 2016, p. 365) During this period, India was accused of ad-hocism for being indifferent to terrible and inhuman events taking place across the world. (Malone, 2011, p. 72; Bloomfield, 2016; Ganguly, 2016) This pushed India to establish the National Human Rights Commission (NHRC) in 1992 to address its internal human rights violations. After the formation of the NHRC, the human rights accusations on India also decreased which reduced international pressure. (Ganguly, 2016) Due to the relaxing of external pressure, and its emerging power status due to the speedy growth of its economy, India began actively voicing its criticisms of forced humanitarian interventions. It openly condemned the Western intervention against Serbia in Kosovo in 1999 and argued that NATO had no right whatsoever to intervene in the internal matters of the Kosovo. As perfectly put by, S. Nambiar, A senior Indian general in his essay regarding India's stance on the NATO intervention in the 1999 Kosovo crisis,

“The merits of the respective stands of the belligerents notwithstanding, the manner in which the United Nations was totally ignored and bypassed, the arrogant violation of all international treaty norms, transgression of state sovereignty, the indiscriminate destruction of civilian infrastructure and the killing of innocent civilians, by a regional organization comprising of the most developed countries of the Western world, has given deep disquiet about the future of this august body.” (Nambiar, 2000, p. 261)

Therefore, during the cold war, India was a supporter of the concept of humanitarian intervention. Its actions of intervening into East Pakistan and Sri Lanka were not only unsuccessful but also received international criticism. In the 1990s, after the end of the Cold War, India was somewhat silent on the discussion surrounding humanitarian intervention due its increased focus on internal issues and rebuilding its economy.

5. The Responsibility to Protect (R2P) Norm

The failure of the international community to prevent and protect millions of people from mass atrocity crimes the last two decades has resulted in the spread of the idea that state sovereignty comes with responsibilities as well as privileges, and that a global responsibility to protect people who are threatened by mass atrocities exists. Events such as the Armenian genocide of 1915, the ethnic cleansing of approximately 800,000 Tutsis by Hutus in Rwanda in 1994 and the killing of over 8,000 Bosnian Muslims by Serbian forces in Srebrenica in 1995 and the international community's negligence to these continue to stand as lessons for existing and future events. In 2001, the International Commission on Intervention and State Sovereignty (ICISS), the commission founded to work and popularise the concept of R2P, presented the norm to the international community. (ICISS, 2001) The R2P norm consists of three pillars, the first stating the need for every state to ensure protection of its citizens from mass atrocity crimes such as genocide, war crimes, crimes against humanity and ethnic cleansing. The failure of any state to respect the first norm leads to the second pillar that states the responsibility of the international community to assist the state in capacity-building to ensure pillar one. The third pillar consists of further measures such as intervention by the international community using humanitarian, diplomatic or peaceful means in case the responsibilities of the first and second pillars are not fulfilled by the state. The norm is still considered under-developed due to its many structural problems (Paris, 2014) and lack of complete acceptance from many states. Political scientists and researchers are still working on examining how the norm can be used justifiably to achieve beneficial consequences for the people and country in question (Thakur and Maley, 2015; Paris, 2014)

Despite being adopted by members of the UN in the 2005 World Summit, the norm lacks full support from several states, especially emerging ones. Emerging powers such as India, Brazil and South Africa have had the opportunity to engage in the norm-diffusion process of R2P. (Acharya, 2013) While the first two pillars of R2P have been applied a number of times, such as in Kenya in 2007/2008, Ivory Coast

2011, Libya in 2011, Central African Republic in 2013, Syria, Burundi and Yemen, the coercive element of the R2P doctrine was applied for the first time during the 2011 civil war in Libya. More recently, the increasing political violence in Syria with the emergence of the Islamic State has brought the idea of the responsibility to protect back into debate.

5.1 Problems Associated with R2P

To begin with, the R2P norm has generated political controversy since its creation. The third pillar of the norm, which authorizes the use of force to intervene has been the focus of the political debate surrounding R2P. The first point of debate is the concern regarding the norm's misuse and selective application arising from past examples of humanitarian intervention; and the concern regarding the Security Council having the upper hand in deciding which countries to intervene in. (Bellamy, 2011, Paris, 2014) This also raises concerns regarding the selective application of the norm. The second point of debate is the concern that military interventions do more harm than good. (Paris, 2014) The third point of debate is the legal contestations of the norm. (Focarelli, 2008) All these debates will be discussed briefly in this section.

Throughout history, the vocabulary of humanitarianism has been used a number of times to justify political motives. Examples of failed interventions by great powers have increased suspicion towards the idea of humanitarian intervention. The 2005 World Summit held in New York brought together world leaders to celebrate the sixtieth anniversary of the UN, and to discuss the then secretary general, Kofi Annan's decision to commit to R2P. Due to its direct association to coercive military intervention based on apparent humanitarian grounds, R2P was and continues to be highly controversial. Prior to the UN General Assembly in 2009, the President of the General Assembly Miguel D'Escoto Brockmann, issued a concept note stating, that "colonialism and imperialism used responsibility to protect arguments". (UNGA, 2009; Bellamy, 2011)

India's permanent representative to the UN, Nirupam Sen, voiced his disagreements with the norm and called it a norm designed specially to authorize Western interference. (Bellamy, 2011, p.24) Connected to this concern is the clash between the concepts of sovereignty and responsibility. States such as China, Russia, Brazil, India and some African states were the main contenders of the argument that sovereignty should precede the responsibility to protect. Pillar three of the norm is a direct military threat to the sovereignty of states. Post-colonial states such as India and Brazil share a deep commitment to ideas of sovereignty, non-intervention and anti-imperialism, stemming from their gruesome pasts of being governed by colonisers. These governments are also sceptical that the UNSC is the central authority that gets to have the final say in the decision-making process surrounding the implementation of R2P. This is seen as a problem because the UNSC is not representative and is accused having misused its veto power in the past. (Holmes, 2014)

Governments and activists have also criticised the inconsistent application of the norm. It is in the hands of the powerful governments as to where the norm must be applied and where not. There is always a high possibility that the permanent members of the UNSC choose to implement R2P in some states over others to fulfil strategic interests. Human rights activists and journalists have brought up questions regarding why R2P supporters have not backed for intervention in Gaza to protect Palestians, protect Egyptian civilians from the US-backed regime in Egypt, etc. (Loewenstein, 2014)

There is also a concern that intervention would do more harm than good. So far, there has been no humanitarian intervention that has achieved the goals intended to achieve or not killed innocent civilians. Not only does humanitarian warfare cause irreversible collateral damage but it also increases the risk of state failure and the other negative consequences that come along with it. The Security Council has reached a standstill in its operations implemented to protect civilians in countries such as Sri Lanka, Gaza and Zimbabwe, and has clearly failed to help the situations in Sudan, the Democratic Republic of Congo (DRC) and Somalia. (Bellamy, 2011, p. 27)

In 2011, the crisis in Libya was the event where the coercive element of R2P was applied. The intervention in Libya was deemed a failure due to its consequences. Libya failed to become a democracy and instead became a failed state. This increased global scepticism for the norm. (Paris, 2014)

Other than political and practical contestations, the R2P norm brings up several legal problems with the norm. The R2P doctrine is argued to have too many legal ambiguities to actually function. As Focarelli states, the norm is stuck “half way between existence and non-existence”. To begin with, the ICISS report is well known in legal contexts and used widely in various international gatherings. However, several reports that were published after the creation of the main R2P ICISS report mention how the norm is still an ‘emerging norm’. This is mainly due to the vagueness of the criteria to motivate and justify intervention. Humanitarian intervention falls outside the UNSC mandate hence, it is legally questionable.

All the above mentioned structural issues of the R2P norm have influenced states’ attitudes towards the norm. Domestic norms of states also play a crucial role in shaping their attitudes towards these structural issues.

5.2 India and the Responsibility Protect

Unlike most democracies India has had mixed stance towards the creation and expansion of the R2P norm. It was sceptical of the norm right from the time of its creation. Its initial reaction to the creation of the ICISS were of downright hostility. (Jaganath & Kurtz, 2014) During the ICISS visit to Delhi in 2001, the Ministry of External Affairs, India chose to send a protocol officer to the meeting. (Ganguly, 2016, p. 366) The 2005 UN World Summit saw the discussions of the official adoption of R2P norm by the UN among UN members, in which India opposed the norm till the end but finally gave in and accepted it. It is argued that during the 2005 World Summit, India’s permanent minister to the UN, Nirupam Sen, chose to put forward his own disapproval of the norm due a lack of advice and instruction from

the MEA. (Jaganath & Kurtz, 2014) In January 2009, in its concept note to the President of the UN General Assembly, India stated that the principle of R2P was used in arguments for colonialism and interventionism. (Teitt, Paper Tiger or Platform for Action, 2012) India's stance on the norm lean towards acceptance towards the end of 2009 when Hardeep Singh Puri stated that the government supports the requirement to prevent mass atrocities and protect people from them.

But, with regards to pillar three of the R2P norm, the government was still sceptical that it could be used as an excuse for strategically motivated interventions intended to bring about regime change. (Khandekar, India and the Responsibility to Protect's Third Pillar, 2015) Its disapproval of the application of the R2P norm in Ivory Coast, Libya, and Syria make its clear stance on the third pillar even clearer. In the case of the Crisis in Ivory Coast, India fully supported issuing sanctions against the country and the UN peacekeeping mission in the country. But when the crisis worsened, India warned the UN peacekeepers to not make it a mission of regime change. (Ministry of External Affairs, 2011) Also, India has attempted to limit the definition of mass atrocity crimes under the R2P norm, to contain for types of crimes only, namely, genocides, ethnic cleansing and crimes against humanity and war crimes. This is discussed in detail in Section 7.5.

Therefore, while India's position on the R2P has moved from complete rejection to partial acceptance, its scepticism towards the third pillar which authorises humanitarian intervention has remained the same.

6. India and Pillars, I and II

After the foreign minister's statement in the 2005 World Summit, it seemed as though India was completely against the norm. However, it was found in 2009 that India was only against the third pillar and not the first two pillars of the norm. Pillar one highlights the responsibility of states to prevent mass atrocities such as ethnic cleansing and genocide and protect its population from them. Pillar two states that it is the duty of the international community push and support states to fulfil their responsibility of protecting their people from mass atrocities.

In 2012, at an informal interactive dialogue on the norm, Hardeep Singh Puri stated the following,

"...there can be little disagreement on Pillars I and II. The real problem lies with the interpretation and application of Pillar III: the responsibility of the international community to step in when a State manifestly fails to meet its responsibility to protect its population from these four crimes. The Secretary General's report clearly acknowledges that controversy still persists on aspects of implementation, in particular with respect to the use of coercive measures to protect population. "(UN, 2012)

Both the pillars go completely in line with India's foreign policy. India is known to have longstanding tradition of giving routed in its diverse culture. India is a secular country consisting of religions that embrace this tradition of giving and helping people in need. In practice, India has been a huge contributor to UN peacekeeping missions, in fact, India was a provider of peacekeeping support to countries even before the UN established its peacekeeping operations. Furthermore, despite being a developing country with persisting domestic issues such as poverty, India has been one of the largest providers of humanitarian assistance to several countries in times of natural disasters and sometimes political conflicts. Most of India's aid goes to its immediate neighbours namely, Bhutan, Afghanistan, Nepal, Sri Lanka, and the Maldives and several countries beyond South Asia as per the demand for aid. For

India, the third pillar is a pretext for humanitarian intervention. India argued that the R2P concept as a whole was not required as the first two pillars of the norm were already established laws of international law, and the third pillar was a charter for humanitarian intervention by stronger countries. (Krause, 2016, p. 2)

6.1 Indian Tradition of Giving and its Support to Peacekeeping

As per the Indian government's self-conception, its decisions to provide humanitarian assistance to different countries over a long period of time stem from its sincere aim to extend a helping hand to suffering people in countries and to encourage health relations with the countries through the supply of assistance. (Meier & Murthy, 2011, p. 6) India is a secular country that consists of religions such as Hinduism, Buddhism, Islam and Sikhism. All these religions preach to help the distressed and give without expecting anything in return. The Hindi word '*Daan*', means to give selflessly as an obligation. (Bornstein, 2012, p. 29) There is no doubt that these spiritual notions influence Indian decision makers to a large extent. It is stated in India's constitution that contributing to international peace is an essential responsibility of the state. (The Constitution of India, 2017) For India providing humanitarian assistance like providing a helping hand to the distressed. (MEA, 2005) Due to this longstanding tradition of giving, the Indian population usually supports the government's decisions on humanitarian assistance.

Furthermore, India has been a constant supporter of UN peacekeeping operations (UNPKO) since gaining independence. Beginning in 1947, it has been one of the biggest contributors of humanitarian aid as well as peacekeeping troops to UN peacekeeping operations in times of humanitarian crises worldwide. (Banerjee, 2012) From this is it clear that India has been committed to its tradition of giving and peace. The Indian model of humanitarian assistance will be discussed in detail in section 6.4.

6.2 The Indian Model of Humanitarian Assistance

In the past, the Indian government has generally provided humanitarian assistance to countries facing natural disasters. It has done so via bilateral channels to the government of the affected state, based on the requirements of the affected state. (Aneja, 2014, p. 239; Meier and Murthy, 2011; Mashru, 2015) This humanitarian aid includes medical care, shelter materials, food aid, etc. Despite having a large population living in poverty, India forms a significant part of the non-Western aid donors group. The World Food Program ranked India as the 16th largest donor of food assistance in 2006. (WFP, 2006) India defines humanitarian assistance or relief as activities that address human suffering caused by natural disaster such as floods, earthquakes, cyclones, droughts, etc. This definition of India does not include human suffering caused by political conflicts. However, it made two exceptions in the cases of the post-conflict situations in Afghanistan in Sri Lanka.

So far India has continued to provide humanitarian assistance in the form of food aid, such as high protein biscuits and wheat, and medical missions controlled by Indian doctors. (Meier and Murthy, 2011, p. 16) It has also made a multi-year promise to provide financial aid to the country's post-war nation building efforts. (Mashru, 2015) India's humanitarian assistance to domestic matters is Afghanistan is driven by both humanitarian and strategic motives. India has genuine interest in strengthening the capacity of the state. Regarding security interests, it aspires to lessen the influence of Pakistan and hence the Taliban, one of India's biggest regional security threats, in the region. Economically, humanitarian assistance to Afghanistan also opens doors to natural resources such as oil and gas in Afghanistan as well as India's extended neighbourhood in Central Asia and Iran. (Mashru, 2015) However, at all times, India has respected the sovereignty of government of Afghanistan by providing humanitarian assistance directly to it.

It intervened in the Civil War in Sri Lanka by airlifted humanitarian aid to the suffering Tamil population. It also sent in peacekeeping troops with the intention of creating peace between the Sri Lankan government and the Liberation of Tamil

Tigers Eelam (LTTE). But the troops ended up fighting with the LTTE and killed many fighters on both sides. While both these methods of intervention were a clear breach of India's principles of non-intervention and respect for a state's sovereignty and territorial integrity, both stemmed from genuine humanitarian considerations. India's historical and ethnic connection between the Sri Lankan and Indian Tamil along with the pressure from the Tamil Nadu state government pushed the central government to provide humanitarian assistance and send peacekeeping troops. In 2008 and 2009, the government of Tamil Nadu also supplied significant humanitarian assistance to the International Committee of the Red Cross (ICRC) in order to increase their capacity to help the suffering civilians in Sri Lanka. (Meier and Murthy, 2011) This was one of the few times when a federal state government influenced and also directly added to India's foreign policy and also one of the only two contributions made by India to the ICRC for its efforts.

Therefore, in both cases, there is an obvious combination of factors, humanitarian considerations, and strategic motives such as security, political or economic interests, that drove the Indian government to provide humanitarian aid to both Afghanistan and Sri Lanka. (Aneja, 2014, p. 239) In most cases, due to its firm commitment to the principle of non-interference and territorial integrity which is discussed in detail in Section 7.1, India has preferred providing aid to only state governments in order to strengthen their capacities. (Mashru, 2015) Thus, India's model of humanitarian assistance, that is its natural disaster model, has been consistent in most cases. It has respected the sovereignty of suffering countries and provided humanitarian aid directly to governments rather than doing so as external support to the affected population. It sees such humanitarian assistance programs as support to the government in helping its people more than support to people directly, as opposed to several donor countries, NGO's and international organisations that focus on the requirements of the people affected more than the government capacity to help its people. (Mashru, 2015) India considers itself a partner of the recipient countries instead of a donor and prefers providing loans over charitable grants as a way of promoting equality and sovereignty. (Price, 2005; Mashru, 2015) It rejects the idea of a hierarchical donor-recipient partnership. Its aid

programs are designed in such a way that they benefit both parties. As India sends humanitarian aid directly to the governments, it does not differentiate between separate uses of aid, such as relief, rehabilitation and development assistance unlike other aid providing countries. (Aneja, 2014, p. 240)

While India is known to have provided aid to more than sixty countries in Asia, Africa and Latin America (Mashru, 2015), most of India's aid goes to its immediate neighbours namely, Bhutan, Afghanistan, Nepal, Sri Lanka, and the Maldives and its extended neighbourhood as per the demand for aid. Therefore, India's support for pillar one and two of R2P is justifiable from its humanitarian assistance and peacekeeping practices to date.

7. India and the Challenge of the Third Pillar

The third pillar has stood in the way of India accepting the R2P norm. Since the creation of the norm, India has voiced its concern regarding the misapplication of the third pillar of the norm. Prior to the talks regarding the application of R2P in Libya in the UN General Assembly in 2011, Manmohan Singh warned the Assembly that “societies cannot be reordered from outside through military force’ and that any such efforts are fraught with danger.” (Manmohan Singh, 2011) India abstained from resolution 1973 passed in 2011, which authorized the ‘no fly zone’ over Libya and the intervention of it by NATO in order to remove Muammar Al Gaddafi from power. The UN Security Council released the following statement on March 17:

“Demanding an immediate ceasefire in Libya, including an end to the current attacks against civilians, which it said might constitute “crimes against humanity”, the Security Council this evening imposed a ban on all flights in the country’s airspace – a no-fly zone – and tightened sanctions on the Gaddafi regime and its supporters. Adopting resolution 1973 (2011) by a vote of 10 in favour to none against, with 5 abstentions (Brazil, China, Germany, India, Russian Federation), the Council authorized Member States, acting nationally or through regional organizations or arrangements, to take all necessary measures to protect civilians under threat of attack in the country, including Benghazi, while excluding a foreign occupation force of any form or any part of Libyan territory- requesting them to immediately inform the Secretary- General of such measures.” (UN, 2011)

The failure of the NATO intervention in Libya added to India’s scepticism towards the application of the norm. During the air attacks by Western forces on Libya, India urged the Western forces to ceasefire and call upon Gaddafi regime and the rebel forces to stop the violence and instead engage in dialogue. (Chengappa, 2011) The former Ambassador of India to the UN Mr. Hardeep Singh Pujari, also expressed criticism regarding the implementation of the third pillar of R2P and the problem of ‘collateral damage’ while implementing it. He stated that regime change was never

the goal of the operation, it was more about protecting civilians from mass atrocities.

India abstained on the Syrian resolution that's demanded an immediate ceasefire in Syria and urgent aid supplies to the country. (Indian Express, 2016) Indian diplomats stated that they chose to abstain because the language of the resolution did not clearly condemn the mass atrocities that had been committed by the Syrian opposition. (Ganguly, 2016, Taneja, 2016) It stated that it was concerned that regime change was again a hidden intention behind the operation in Syria like the resolution 1973 in Libya. (Ganguly, 2016) Another view that seen as a justification of India's abstention is the view that it is impossible to find solutions for a conflict through military intervention. (Taneja, 2016) It is also argued that India's abstention on the Syria resolution was due to its motive of balancing Russia and the US. (Taneja, 2016, Ganguly, 2016)

Therefore, India has never accepted the implementation of the third pillar. The possible explanations for this will be discussed in the sections below. (Taneja, 2016)

7.1 The Post-Colonial Roots of Indian Foreign Policy

India has always been a crucial part of the international debate surrounding sovereignty and intervention. This is mainly due to its past experience of surviving colonization and the super power rivalry during the Cold War. It held firm stances on several humanitarian issues, for example, it condemned the apartheid regime in South Africa, and the British and French intervention in Egypt in 1956, and British involvement against the Mau Mau uprising in Kenya in the 1950s. (Ganguly, 2016) The first Prime Minister of India, Jawaharlal Nehru made non-intervention and peaceful coexistence the fundamental foreign policy of India. *Panchsheel* or the five principles of co-existence, were established as a set of principles that ideally should be followed while conducting any sort of international relations. (MEA, 1954) It was established a part of the Agreement on Trade and Intercourse between the Tibet

region of China and India, which was signed in April 1954. Panchsheel encompasses the following principles; mutual respect for each other's territorial integrity and sovereignty, mutual non-aggression, mutual non-interference, equality and mutual benefit, and peaceful co-existence.

Following the establishment of Panchsheel, the Non-Aligned Movement (NAM) was created by heads of five states, namely India, Egypt, Ghana, Yugoslavia, and Indonesia in 1955 with the 'ten principles of Bandung' as the core principles of the policy of non-alignment. The ten principles of Bandung include; respect for the sovereignty and territorial integrity of all nations; non-intervention or non-interference into the internal affairs of another country; refraining from carrying out or threatening to carry out aggression, or from using force against the territorial integrity or political independence of any country; and peaceful solution to all international conflicts in conformity with the Charter of the United Nations.

The main reason for the creation of the NAM was to establish an alliance of states that chose to not associate with the superpower rivalry during the cold war and also ensure national freedom, independence and autonomy, sovereignty, territorial integrity and security of the member states. (MEA, 2012) The founders of the NAM were all from colonised countries such as Indonesia, Egypt, Yugoslavia, India and Ghana. Both these foreign policy stances stem from India's memory of a difficult past being colonized for centuries. This stance came about during several instances when India defended its support to sovereignty, territorial integrity and non-intervention.

7.2 Lessons from Past Interventions

Apart from its anti-colonial attitude, its strong commitment to non-interference since gaining independence and domestic vulnerabilities, two other historical events shaped its stance towards R2P.

India's intervention in East Pakistan in 1971 that led to the formation of Bangladesh was justified by humanitarian motives. This intervention resulted in a military confrontation between India and Pakistan that resulted in killing millions of people and making millions flee to India, resulting in a refugee crisis for India. India justified its intervention using humanitarian motives but the international community criticized and condemned it anyway. Due to this reason, India then chose to defend its intervention by referring to the refugee burden it was facing from East Pakistan, and the destruction of airfields by the Pakistani army and using the Article 51, the right to self-defense, to justify this position. (Krause, 2016) No matter what justification India gave for its intervention, the international community opposed it. Hence, the lesson that India learnt from this was a scepticism of major power humanism. (Kapur, 2010, Banerjee, 2012, p. 94) Similarly, India's intervention in Sri Lanka that resulted in the death of about 1000 Indians and Rajiv Gandhi's assassination in 1991 taught India that civil wars are hard to tackle with intervention and social change cannot be obtained by military force. (Kapur, 2010; Banerjee, 2012; Krause 2016) It also began opposing the issue of collateral damage that is the killing of innocent civilians in the name of protecting human rights.

India's view that interventions do more harm than good is clear in India's policy response to the R2P norm that was primarily formulated by Prime Minister Manmohan Singh at the UN General Assembly held in September 2011. In his official statement, he stated that,

"Societies cannot be reordered from outside through military force. People in all countries have the right to choose their own destiny and decide their own future. The international community has a role to play in assisting in the processes of transition and institution building, but the idea that prescriptions have to be imposed from outside is fraught with danger. Actions taken under the authority of the United Nations must respect the unity, territorial integrity, sovereignty and independence of individual states. Correspondingly, governments are duty bound to their citizens to create conditions that enable them to freely determine their

pathways to development. This is the essence of democracy and fundamental human freedoms.” (UNGA, 66th Session, 2011, p. 2)

After the NATO intervention in Libya, Hardeep Singh Puri also voiced his concern regarding the problem of collateral damage resulting from forced military operations. He stated that it is completely immoral to kill innocent people in the name of humanitarian intervention. (UN, 2011)

7.3 R2P as a Bargaining Chip: Local norms Vs. Strategic Interests

In 2011, India was among the countries that abstained on the Libyan 1973 no-fly resolution to authorize the intervention of NATO. During this time India was serving on the Security Council. The resolution revealed a big split in the attitudes of major powers on sovereignty and human rights concerns. Britain, France, the US and their allies were the winning side and pursued the military intervention in Libya. Three major powers, Brazil, India and Germany choose to be on the side of Russia and China and abstain. It is clear that for these countries, sovereignty and non-intervention succeeded over human rights concerns. As a part of the BRICS multilateral forum, India, China, Brazil and Russia sent out a loud and clear message that the Western countries cannot always have their way. The abstainers chose to abstain due to one common reason, they all suspect western and European allies to misuse the norm, and impose decisions partially. (Bloomfield, 2015; Borger, 2011) In the case of India, the Intervention in Iraq by the US and the British was perceived negatively by the Indian domestic constituency. (Shrivastav, 2011)

The country chose to abstain as the end result of military intervention was not stated clearly and was highly unpredictable. (UN, 2011) Manjeev Singh Puri, India's deputy permanent representative to the UN also stated that the question of who would enforce measures was unclear and there was no guarantee that the operation would have no negative consequences. (UN, 2011) Since all major foreign policy decisions are made by India's domestic constituency, the government was unable to

provide a clear justification of its support to the resolution to the constituency. (Shrivastav, 2011) India's decision to abstain cannot be seen as opposition to the resolution. (Shrivastav, 2011) Its decision to abstain actually made it easier for the Security Council to pass the resolution and take immediate measures to take down the Gaddafi regime.

Going back to the fact that India served the UNSC 2011 for a two-year tenure, its decision to abstain was not only moral but also a strategic one. Since the Arab League and as well as the Muslim community had a say on the resolution, it was a strategic move for India to abstain from the resolution in order to gain gratitude and support from countries and people that opposed the resolution. (Bajpaii, 2011) For a very long time, India has been criticising the UN for not being representative and is on a quest to serve as a permanent member of the Security Council. Referring to the Libya resolution, it is thus argued that, India abstained with the expectation of being labelled as a constructive and significant player of the global community, further bettering its chance of gaining permanent membership of the Security Council. (Bajpaii, 2011) As Negron-Gonzales and Contarino argue, local norms of a country play a crucial role in influencing the state's stance on R2P unless strategic norms of the state are incompatible with its local norms. (Negron-Gonzales & Contarino, 2014) Many argue that India used the Libyan resolution as a bargaining chip to strengthen its chance of gaining a permanent seat on the UNSC. Therefore, India made a decision that was based on moral, political as well as strategic grounds.

Similarly, as mentioned in Section 7., India abstained on the Syria resolution that stipulate an immediate ceasefire in the country and supply of humanitarian aid to its population. Indian diplomats stated that they chose to abstain because the language of the resolution did not clearly condemn the mass atrocities that had been committed by the Syrian opposition. (Ganguly, 2016, Taneja, 2016) While the concerns regarding intended regime change and the view that military interventions do not work were justified factors influencing India's decision to abstain, it is also argued that India's abstention on the Syria resolution was due to its motive of balancing Russia and the US. (Taneja, 2016, Ganguly, 2016)

Therefore, in both these cases, it is clear that India abstained due to its strategic interests in doing so.

7.4 Suspicion of Western Intervention

India, like Brazil, China and Russia, and several other countries, have been highly suspicious of Western and European intentions behind military interventions. (Borger, 2011; Bloomfield, 2015; Møller, 2017) This suspicion stem from instances such as the NATO intervention in Kosovo in 1999 and the US and British invasion of Iraq on false justifications and the following War on Terror started by the Bush Administration that resulted in mass human rights violations with the US and other controversial interventions by major powers into weak states. Also, India is a post-colonial state that continues to be deeply influenced by the Nehruvian ideology of anti-colonialism which makes it even more pessimistic about western intentions behind interventions.

India's pessimism of Western intentions was seen in the 2009 General Assembly Plenary meeting on the R2P norm, when Hardeep Singh Puri stated,

"... we also have to be realistic. We don't live in an ideal world and, therefore, need to be cognizant that creation of new norms should at the same time completely safeguard against their misuse. In this context, responsibility to protect should in no way provide a pretext for humanitarian intervention or unilateral action. To do so would not only give responsibility to protect a bad name but also defeat its very purpose. Perhaps finalization and adoption of the definition of aggression under the Rome Statute would assuage to some extent the concerns regarding the misuse of this idea. As students of history, we should remember that to disregard the lessons of history makes us vulnerable and commits us to the folly of repeating mistakes of the past. The need for extra vigilance, therefore, cannot be overemphasized." (Puri, 2009)

7.5 Domestic Vulnerabilities: Confining the Definition of R2P

The domestic debate in India, regarding R2P, has mostly surrounded the topic of humanitarian intervention by the international community, and not the state's responsibility to protect its population from mass atrocities. The Responsibility to Protect report outlines a set of risk factors for an atrocity to happen. These include,

“a history of discrimination or other human rights violations against members of a particular group or populations, often on the basis of its ethnic, racial or religious background. This risk factor is particularly significant where the legacies of past atrocity crimes have not been adequately addressed through individual criminal accountability, reparation, truth-seeking and reconciliation as well as comprehensive reform measures in the security and judicial sectors.” (UNGA, 2013)

The focus on discrimination against specific communities, calls for a broadening of the scope of R2P, and further focuses on India's weak spot that is its internal human rights situation. (Mohan, 2015, p. 19) Therefore, India has attempted to restrict the definition of 'atrocity crimes' under the R2P norm as much as possible by arguing that the definition of atrocity crimes must include the initially mentioned four-tiered threshold, i.e. genocide, ethnic cleansing, war crimes and crimes against humanity. During an informal interactive dialogue on the Responsibility to Protect report: Timely and Decisive Action, former Secretary general Hardeep Singh Puri stated,

“... the R2P cannot be used to address all social evils, including violations of human rights and humanitarian law. Rather it must only be confined to the four identified crimes, i.e., genocide, war crimes, ethnic cleansing, and crimes against humanity” (Puri, Remarks At An Informal Interactive Dialogue On The Report Of The Secretary General On Responsibility To Protect: Timely And Decisive Action, 2012)

Due to similar reasons, India has constantly opposed the International Criminal Court. It abstained on the decision to adopt the Rome Statute of 1998, and claimed it was because of the broadness of the definition of crimes against humanity.

(Ramanathan, 2005) One possible reason for the government to restrict the definition of atrocity crimes under R2P is that it has been failing to achieve the first pillar, that is its responsibility to protect its own citizens from atrocities in times of peace. There is plenty of evidence to corroborate this. India has experienced some extremely violent incidences of communal violence, mostly as a result of communalised nature of Indian electoral politics. (Wilkinson, 2004) The emergence of the right-wing Hindu Nationalist movement during the 1980s and 1990s has also resulted in several episodes of communal violence initiated by members of the movement, such as the Sangh Parivar, Bajrang Dal, the RSS, etc. (Jacob, 2015, p. 73)

In 1984, approximately 3000 Sikh people were massacred in New Delhi as part of the anti-Sikh violence that was authorized by the then ruling party, the Indian National Congress. In 1991, about 200 civilians in the villages of Kunan and Poshpora in Kashmir were abused and tortured by the Indian army; several women in the villages were raped by the army. (Umar, 2017) The government of India has denied these allegations and army still enjoys immunity after committing these crimes. (Umar, 2017) In 2002, Gujarat witnessed one of the most brutal pogroms in the country's history. About 2000 Muslims, including children, were massacred by radical Hindu nationalists after the hearing the news of the Muslims setting fire to the train containing Hindu pilgrims. (Jacob, 2015) The Chief minister of Gujarat at the time and current Prime Minister of India, Narendra Modi, is said to have instructed civil servants not to intervene in order to let the killings continue. However, Modi denied this allegation and condemned the killings. In 2008, the Kandhamal district in the state of Orissa saw one of the biggest religiously motivated instances of communal violence against Christians by right-wing Hindus. This included killing Christian priests, destroying bibles, churches and Christian schools and raping nuns. However, there have been several small instances of the similar nature.

More recently, India is said to be facing an epidemic of mob lynching where Hindu nationalists have killed several Muslims for selling or possessing cow meat after the implementation of the law banning cow meat in India. There are various other cases that fall under the category of large-scale human rights violations. These are some of

the noteworthy incidents out of the many incidents that have taken place in the past. Paul Brass in his book, 'The Production of Hindu-Muslim Violence in Contemporary India' provides sufficient evidence to say that riots and communal violence are a regular and significant part of domestic politics in the country.

The second significant point is the government's discursive framing of communal violence as 'riots' in order to hide the sinister nature of the kind of violence involved. In his book, 'Forms of Collective Violence: Riots, Pogroms and Genocide in Modern India, Paul Brass writes,

"...it was also clear enough to me that what have been called Hindu-Muslim riots in India are misnamed, that they could not have been carried out with such force in so many places, in many cases for extended periods of time, and repeatedly, with the complicity of the police and the failure of political parties in control of government and the administrative and police officers in the district to prevent or at least to contain them once they begun. In short, what are called Hindu-Muslim riots in India are, in fact, more like pogroms, and have recently, in Gujarat and elsewhere taken the form of genocidal massacres and local ethnic cleansing as well." (Brass, 2006, pp. xv- xvi).

Sikh communities across India and the West are demanding justice for 1984 anti-Sikh violence and demanding that the event be internationally recognised as a 'genocide' and not a 'riot'. Even the 2002 anti-Muslim violence was called a 'riot' when in reality it was a targeted mass killing or genocide of the Muslim community in Gujarat. Indeed, India has developed a set of vocabulary to address the internal security issues it faces.

These cases testify to the fact that India in both the past and present fails to uphold the responsibility to protect its citizens from mass atrocity crimes. It is clear that the government has normalized communal violence and sees it as a regular feature of domestic politics. India has received worldwide criticism for its negligence to mass atrocities committed during events of communal violence within its borders. In order

to ease international pressure regarding domestic human rights issues, India set up the National Human Rights Commission (NHRC) in 1993 with the central objective of promoting and protecting human rights related to life, liberty, equality and dignity of the individuals. However, the NHRC has not been effective in doing its job. It has failed to counter the countless incidences of systematic human rights violence, for instance in Manipur, 2013 and in Kashmir. The Supreme Court labelled it a 'toothless tiger' due to its incapacity to check on alleged violations of human rights throughout the country. (The Hindu, 2016) Therefore, it is obvious that India is concerned of being intervened into for the domestic practices deemed as human rights abuses by the international community. The R2P norm especially the third pillar, therefore, is a direct threat to the sovereignty of India.

8. Conclusion

It is clear from this thesis that India fully supports the first two pillars of the doctrine. The principle of giving and helping the distressed arises from the Indian religions of Hinduism, Islam, Buddhism and Sikhism. India has put this principle to practice through its longstanding support of UN peacekeeping operations and its consistent model of humanitarian assistance. While humanitarian assistance is certainly a part of its soft power strategy, its humanitarian considerations motivating its humanitarian assistance practices are legitimate. India's reluctance to support the third pillar of the R2P doctrine, is largely a result of the incompatibility between India's domestic norms and the third pillar of the norm. Norm localization of R2P as a whole has not been possible due to the same reason. Non-intervention and mutual respect for sovereignty have been basic tenets of Indian foreign policy since it gained independence, stemming from its long and difficult past under colonial rule. Indian interventions in East Pakistan and Sri Lanka go completely against this aspect of India's foreign policy however, there were strategic and humanitarian motives behind these interventions, especially the intervention in East Pakistan. The results of these interventions, international criticism and failure to achieve the intended goals of intervention, made India sceptical of major power humanism and adopt the view that military interventions cannot end conflicts or bring social change. India's post-colonial stance has been more prominent than its interventionist stance seen during the Cold War. Its post-colonial stance came about in several instances. For example, its model of humanitarian assistance has always involved providing humanitarian aid to the governments of the suffering people with the intention to empower the capacity of governments rather than to intervene in the internal matters of the country; and several verbal criticisms of the R2P norm due to the third pillar that authorises intervention. From this it is clear that India puts the sovereignty and autonomy of states before humanitarian intervention.

In 2011, India's decision to abstain from the Libyan resolution 1973 was taken on moral, political as well as strategic grounds. The lack of clarity of the resolution and its final result made it difficult for India to support it and further justify its support to the domestic constituency in the country. Secondly, it was serving on the UNSC during that year and chose to abstain alongside Russia, China and Brazil, in order to show the west that it is a significant and constructive player in the international community and that the West and its allies cannot always win. This would in turn help strengthen India's case for a permanent seat in the UNSC. For similar reasons, it abstained on the Syria resolution. The argument that local norms influence a state's attitude on any international norm, but with the condition strategic interests are in harmony with local norms, can be justified in this case. (Negron-Gonzales & Contarino, 2014)

There is no doubt that India's commitment to the principle of non-intervention and its suspicion of the intentions of western powers has been a constant motivation for its attitude towards the third pillar of the R2P doctrine. Every time India has had a chance to contribute to the debate surrounding R2P, it criticized intervention by force and expressed its concern regarding the abuse of the third pillar by Western powers to suit strategic interests. The final reason, its domestic human rights situation, notably the human rights violations that have taken place and continue to take place in several parts of India and the various instances of communal violence, which are a mundane part of the domestic politics in the country have led to the fear of being on the receiving end of intervention. Of course, this fear has never been openly voiced and accepted but it is obvious from several instances.

As Acharya's theory of norm localization and feedback states, often countries attempt to provide a feedback for a norm or modify it to make the norm compatible with pre-existing local norms. India has been constantly trying to confine the definition of atrocity crimes under the R2P doctrine to include genocides, ethnic cleansing, and war crimes and crimes against humanity; and demand that the definition must not include all social evils such as human rights violations and cases of discrimination. Referring to the government's response to internal pogroms, it has

always used a select vocabulary to refer to these. Most of these targeted mass killings are labelled as 'riots' rather than genocide or massacre, just so they do not attract international attention. Furthermore, India is one of the countries that has not ratified the Rome Statute of the International Criminal Court. As the Statute authorizes the prosecution of Individual perpetrators of mass human rights violations, the Indian government has argued that it breaches the sovereignty of nation states, similar to its explanation for not complying to R2P. Both, the Rome Statute and the Responsibility to Protect, are direct threats to the sovereignty of the state.

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