Evolution of Humanitarian Intervention in India's Policy: A Study of Norm Localization

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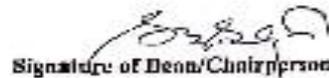# RECOMMENDATION FORM FOR EVALUATION BY THE EXAMINER/S

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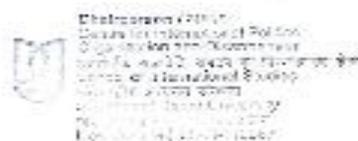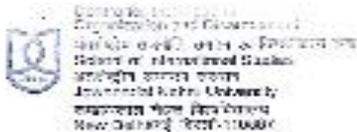We recommend this thesis/~~dissertation~~ be placed before the examiners for evaluation for
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Date: 12.12.2021   **Shreejita Biswas**

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CHAPTER- 1

Introduction

The purpose of the study is to explain the trajectory of the global norm of humanitarian intervention in India's foreign policy. It seeks to analyze the evolution of the norm of humanitarian intervention in India's foreign policy. India's responses in the context of humanitarian intervention have been fluctuating. This raises the question as to what have been India's policies with respect to the norm of humanitarian intervention before and why there has been a change in those policies. The doctrine of humanitarian intervention has been one of the most contested issues in international politics and the recent debate on humanitarian intervention led to the new principle of Responsibility to Protect (R2P). The recent R2P norm claims that sovereignty cannot be used as a protection from interference but a charge of responsibility where state is responsible for protecting its people from mass human rights violations. India's engagement with the R2P norm has not only been limited but, India has also shifted its position with respect to the norm from time to time. It has raised objection to the Third Pillar of the R2P norm which talks about collective action by the international community in cases of human right violations, considering it as a threat to sovereignty. However, in the past, India's standpoint has been different. In the first two decades after independence, it raised its concern about human rights violations and took an active stance in the decolonization process of Asia and Africa. Moreover, it did not hesitate to intervene in cases of human right violations despite being sensitive to sovereignty, such as in East Pakistan in 1971. The study will investigate the changes in Indian foreign policy when it comes to humanitarian intervention and the reason for the changes. In other words, it enquires how India's approach to the recent debate on humanitarian intervention in the form of Responsibility to Protect (R2P) is different as compared to India's approach to the earlier norm of humanitarian intervention and how we can explain these changes about the norm of humanitarian intervention in Indian foreign policy.

From a theoretical standpoint, the study seeks to test the theory of norm localization from the constructivist framework to explain the transformation of the norm of humanitarian intervention in the Indian context. The study uses norm localization theory in order to explain how the internalization of the norm of humanitarian intervention takes place in India's foreign policy and how norm takers at the policy level, such as the government and bureaucrats in the decision-making system, influences the trajectory of the norm. Since, the study explains the diffusion process of the norm at India's domestic level it uses constructivist theory which primarily

discusses how norm influences state behavior.

Further, the norm localization theory suggests that global norm does not automatically transfers to domestic legislation but gets conditioned and modified in the domestic domain of a country. India's shifting positions on the recent R2P norm and the earlier principle of humanitarian intervention suggests raises the question about the diffusion of the norm in India's foreign policy. Hence, the diffusion of the global norm of humanitarian intervention in India can be best explained by norm localization theory because it elucidates how national strategic concerns and pre-existing local norms are crucial for diffusion of a global norm in the context of a specific country.

Other mainstream theories of International Relations (IR) such as realism do not look into the impact of norms on state behaviour. On the other hand, liberal theory addresses norms but it focus on norms in the realm of institutionalism and regime changes. Constructivist theory is suitable for our study as it seeks to analyse the diffusion of the norm in the Indian context by studying fluctuations in India's behaviour with respect to the norm of humanitarian intervention. It will help to explain the diffusion process by analyzing how the norm gets internalized by the local norm takers at the domestic level. Hence, constructivism discusses about the causal role of norms by focusing on diffusion of the norm from international level to national policy makers. Since, the study engages in understanding the transformation of the norm of humanitarian intervention in the specific context of Indian foreign policy, it will borrow from the second wave of constructivist literature on norm diffusion which deals with compliance with norms (Checkel 1997 and 1998, Cortell and Davis 2000, Hoffmann 2010). The second wave constructivist theorists on norm diffusion (Checkel 1997, Cortell and Davis 2000) have discussed in details the significance of norms in shaping the behavioural logics at the domestic level.

India's approach towards the norm of humanitarian intervention has been a paradox in International Relations (IR) making it a quite intriguing case for study. India's stance towards the norm of humanitarian intervention has varied at different time frames ranging from "cautious" to "ambivalent" (Choedon 2017, Ganguly 2016, Jaganathan and Kurtz 2014). On the one hand, India's recent policy has been apprehensive about the norm of humanitarian intervention and critical about its application. It has expressed its discontent with the R2P norm and use of forces by the international community in the Libyan crisis by abstaining from the United Nation Security Council (UNSC) resolution 1973. Yet, in the first couple of decades of independence, India sidelined the considerations for sovereignty and demanded international intervention in colonized territories, ultimately seeking the withdrawal of colonial powers from

their possessions. It wanted international action on the apartheid regime

and so, used the UN platform to criticize the apartheid regime and mobilized third world countries on self-determination and racial equality (Singh 2018). In addition, India itself has intervened in its neighbouring countries from time to time. One of the biggest examples has been India's intervention in the 1971 Bangladesh war. Similarly, India's has deployed peacekeeping forces and provided humanitarian assistance to Sri Lanka in 1987. These variations in India's policy on humanitarian intervention in different cases call for a comprehensive understanding of the trajectory of the norm in Indian foreign policy. This research endeavour will engage in assessing by studying its transition and explain it from the theoretical perspective of norm localization. It will study the evolution and changes of the norm specifically in the Indian context to figure out the level of acceptance of the norm by the local actors such as political leaders in the Indian framework. Therefore, the study has two set of objectives in this research: first, it seeks to study the transitions of the norm of humanitarian intervention within Indian foreign policy. It addresses the question: is there is a change in India's approach towards the humanitarian intervention norm and why India changed its policy of humanitarian intervention in different time periods. Second, it seeks to explain this process theoretically, by attempting to test the norm localization theory whether it can explain this change.

2. Existing Literature

The study intends to contribute towards understanding the changes in India's foreign policy decisions when it comes to the norm of humanitarian intervention. This section discusses in further details about India's inconsistencies towards the norm of humanitarian intervention. It draws attention to India's present perspectives towards the recent R2P norm and then traces back to India's earlier viewpoints on the norm of humanitarian intervention. The review has been arranged thematically into the following sections: India's policies towards the R2P, the changes in Indian policy towards humanitarian intervention, India and the sovereignty variable in humanitarian intervention which discusses India's intervention in its neighbourhood such as the Bangladesh War in 1971 and Sri Lankan Civil War 1987 and lastly, norm localization and humanitarian intervention.

2.1. India's policies towards Responsibility to Protect (R2P)

The existing scholarship on the recent global norm of R2P has tried to trace India's ambiguities

towards the norm. Most of the literature discusses Indian government's limited engagement with the R2P debate driven by reluctance (Virk 2017 and Destradi 2017). They opine that Indian policymaker have not taken a consistent approach while dealing with the R2P debate. The literature suggests that India's initial engagement had some softened position for the R2P principle particularly its Pillar 1 and 2 which talk about protection responsibilities of State and international assistance and capacity building respectively, but it had considered the Pillar 3 of the norm as 'inconceivable or improper' (Bloomfield 2015) which talks about timely and decisive response by the international community. However, Bloomfield (2015) argues that India's identity has remained substantially more constituted by the sovereignty norm than the R2P norm and so, Pillar 1 and 2 has been more acceptable for India because of its compatibility with the sovereignty principle while it has been sceptic about interventions using military options under Pillar 3 (Bloomfield 2015: 50). India's initial tilt towards the R2P norm took a turn with the Libyan crisis and the Indian policymakers retreated from the norm and hardened its position on the R2P norm particularly with its Pillar 3 (Hall 2013, Bloomfield 2015). Virk (2013) argues that while in 2005 World Summit India acknowledged the R2P norm and accepted coercive action in case by case basis when other means have failed, it has remained wary of actual implementation of R2P especially after the Libya crisis.

This has raised debates among various scholars and commentators on India's stance and shifting position on the R2P debate (Hall 2103). India's abstainment from UN Resolution 1973 was considered as "the weakness of the foreign policy establishment and its inability to balance power politics and ethical values" (Hall 2013). Jaganathan and Kurtz (2014) has argued that India's engagement with the R2P norm has evolved in three phases since 2005 from "scepticism via calibrated engagement to renewed suspicions after fallout of Libya crisis". India's shifting position on R2P norm has been further discussed by Choedon (2017) who argues how India has adopted a cautious approach towards the norm and has made international community aware of the malevolent impact of humanitarian intervention in domestic politics. She explains how after initial acceptance of the norm of R2P in the 2005 UN Summit, how India reverted back to its sceptic stance owing to the misuse of the concept in the Libyan case. While Ganguly (2011) has considered this position of abstaining from UN resolution 1973 in the Libyan case as untenable and counter-productive, Mohan (2011) has argued that this is the result of India's own mixed record of interventions. The scholars have used different variables to highlight India's ambivalent viewpoints towards the R2P norm. Jaganathan and Kurtz (2014) also argue about India abstaining from diplomatic situations beyond its borders which includes the doctrine of R2P. They takes into consideration of the domestic variables that has influenced India's R2P

policy. A parallel analysis has been drawn by scholars such as Mohan (2011) who explains that India never maintained a consistent approach towards the norm of humanitarian intervention and explains India's behaviour in terms of India's strategic culture which is very 'risk averse' and 'prudent' when it comes to use of force. Further, India's ambivalent attitude is often attached with India's concern or its sovereignty as state autonomy and non-interventionism which is a key value that shapes India's foreign policy and humanitarian diplomacy (Lettinga and Troost 2015). Similarly, Ganguly (2016) explains that India's cautious support for the R2P principle is the product of India's post-colonial concern about the diminution of the norm of state sovereignty and potential abuse by the great powers. He has further argued that the policymakers have been resistant to wholeheartedly support this nascent norm (Ganguly 2016). So, military interventions to halt atrocities have been one of the most contentious aspects of R2P and India has often showed its disagreement (Virk 2013). Another explanation has been provided by Bommakanti (2017) who has argued that outcomes in humanitarian intervention matters as much as motives and therefore, he analyses India's approach to R2P through the prism of legitimacy which he believes has not been explored sufficiently. Krause (2016) has argued that India's stance on the R2P norm has changed dramatically since 2009 and while it did not make significant contribution to the norm but its own position with respect to the norm has changed. India's shift in position as he argues can partly be attributed to India's transformation from a developing country to regional power.

A brief assessment of the existing literature suggests that the different scholars have highlighted India's ambiguity towards the norm of humanitarian intervention and the recent norm of R2P. Although they agree about India's skepticism towards the norm of humanitarian intervention and particularly the R2P norm, they have provided different explanations to provide a justification for the ambiguity. Their answer to the larger question with regard to the variations in foreign policy decisions towards the humanitarian intervention norm remains somewhat fragmented. The existing literature raises the question how the policy makers particularly the political elites have influenced the internalization of the norm, given India's shifting position. What has been the policy decision of India's policy makers that has impacted the trajectory of the norm is not discussed sufficiently. The shifting dynamics on R2P suggests that the policy level analysis of the norm needs to be analysed in order to understand what challenges the norm faces when it comes to internalization of the norm in India's foreign policy. India's unresolved stance on the norm of R2P and its earlier precept of humanitarian intervention suggest that a systemic study of the transition of the norm of humanitarian intervention in India's foreign policy needs to be explored. Therefore, this study through archival method tries to explore

India's fluctuations and justification for India's behaviour towards the overall approach to humanitarian intervention and the diffusion of the norm in the Indian context.

2.2. The Changes in India's policy towards Humanitarian Intervention

This section of the literature review focus on India's changing pattern towards the norm of humanitarian intervention. This section will discuss India's fluctuating behaviour towards the norm of humanitarian intervention at different point of time as highlighted by various scholars. Most of the scholars have argued that while in the contemporary period, India has expressed its scepticism towards the norm of humanitarian intervention and particularly the R2P norm, in the immediate post-independent period India had voiced its opinion on several humanitarian issues. Ganguly (2016) has given examples such as opposing the apartheid regime and placing the issue on the UN table in 1946, being a leader of the non-aligned bloc, it was critical of Anglo- French intervention in Egypt and it was vocal critic of British handling of the Mau Mau insurgency in Kenya (Ganguly 2016: 364). Scholar such as Bhagavan (2013) points out Nehru's vision of creating a one world and how post-colonial India in the initial years of independence tried to achieve this vision. Ganguly and Pardesi (2009) further talks about India's policy makers being acutely sensitive to the significance of its colonial legacy. Ganguly and Pardesi (2009) also explains Nehru's idealistic vision of the world and argues how India was both a critical proponent of the non-aligned movement and also, made a significant contribution to the process of decolonization (Ganguly and Pardesi 2009:6). Chitalkar and Malone (2015) argues India while being sensitive to sovereignty made it clear that that state sovereignty cannot be the criteria to violate human rights and therefore, championed the cause of drafting the Universal declaration of Human Rights and established the Human Rights Council (Chitalkar and Malone 2015:589). Singh (2018) has opined that two stands of ideas have shaped how Indian policymakers have approached the internal affairs of other states: Nehruvian era which prescribed a light Indian footprint into the sovereign realms of other states and coercion has to be minimized and the post- Nehruvian period which had few inhibitions about interfering and even promoting regime transformation in the neighbourhood and therefore, in the 1970's and 1980's India actively involved in re- orienting the political structures within the regional states (Singh 2018).

However, Chitalkar and Malone (2015) argues that India's vision with respect to norms changed in 1970's and 1980's with the end of Nehru era and inconsistencies prevailed between stated positions and practice (Chitalkar and Malone 2015:589) and Ganguly and Pardesi (2009) too

talks about a shift from Nehru's idealism, Moller (2017) argues that Asian countries including India has been criticised for clinging rigidly to the norm of sovereignty giving rise to the term " Eastphalia" following the Bangdung principles on Promotion of World Peace and Cooperation which has made it difficult to squeeze within this normative framework (Moller 2017: 1922). On the other hand, Mukerjee (2013) has argued that "contrary to the popular belief, India was not staunchly opposed to intervening in domestic affairs of other countries". Similarly, Ahluwalia (2013) argues that India's intervention in Bangladesh was opportunistic to further its own national interests for securing its eastern borders and for military domination in the region. He further asserts that India has mostly shielded away from promoting democracy and human rights is false as India has seek to do such activist foreign policy in the past with mixed results as he gives examples of both Bangladesh war of 1971 and Sri Lankan conflict in 1983 (Ahluwalia 2013). However, he opines that India foreign policy should be based on selective engagement instead of focusing on promotion of democratic and human rights (Ahluwalia 2013). Mohan (2015) argues that in the post-cold war world order, India's foreign policy has undergone alteration with change in the environment of the international world order which brought about a change in India's understanding of the norm (Mohan 2015a: 132). Moller (2017) further highlights India's understandable opposition to R2P norm and argues that R2P is considered as a Western Imperialism. Other scholar like Virk (2013) has argued that India's position on R2P has softened since the 2005 World Summit. Pethiyagoda (2013) explains India is a liberal democracy but differs in terms of R2P and humanitarian intervention from Western liberal democracies by assessing the role of India's cultural values. From Sri Lanka to Syria, cultural value has played a crucial influence on India's approach to humanitarian intervention in last two decades (Pethiyagoda 2013: 27).

The various scholars showcase India's different positions on humanitarian intervention and suggest India's fluctuations towards the norm. While at one point of time India had taken a strong stance in support of the norm, at other times it has refused to implement it. India's fluctuations is not reserved to the recent debate of humanitarian intervention on R2P norm only but also goes back to the earlier principle of humanitarian intervention and therefore, India's behaviour at different time points suggests that a comprehensive study of the trajectory of the norm of humanitarian intervention is required. The scholars have partially explored the different cases with respect to India's behaviour but how can we locate the norm in India's foreign policy is still under researched. Therefore, this diplomatic history raises certain questions which need to be answered: what are the qualitative shifts in the trajectory of humanitarian intervention norm and why did India change its policy from time to time. India's shifting approach from the

existing literature suggests that India's position on the norm has changed from time to time pointing out the unequal diffusion of the norm in Indian foreign policy. The fluctuations of the humanitarian intervention norms point out the variations in norm acceptance in Indian foreign policy. To understand how the norm takers influences the decision making with respect to the norm affecting its diffusion, India's policy- level decisions taken by the bureaucrats and government in the decision-making system needs to be analysed which has remained unexplored in the existing literature.

2.3. India and the Sovereignty variable in Humanitarian intervention

Sovereignty has played a key variable of debate when it comes to intervention for humanitarian purposes. Most of the scholarship on India's approach to humanitarian intervention and human rights discourse has highlighted the sovereignty aspect in India's behaviour. Most of the existing scholarships have highlighted sovereignty as a crucial element in India's humanitarian intervention. India's cautious support has been product of its views on sovereignty has been claimed by scholars such as Choedon (2017) and Ganguly (2016). Others argue that, India has seen itself traditionally as a developing country and leader of the Third World which has made it wary about Western intentions and long-term policies about its neighbourhood and therefore, it is not easy for India to accept by face value the post-cold war Western proclamation of humanitarian agendas (Mohan 2015b:24). Miller (2014) argues that this comes from the transformative historical event of colonialism in India which has its deep roots in India's culture, education and policies. Colonialism as a trauma has led to a dominant goal of victimhood which "carries with itself it a corresponding sense of entitlement that manifests itself in two subordinate goals: maximizing territorial sovereignty and maximizing status" (Miller 2014: 8). India although has become less defensive than 1990's (Banerjee 2015), it has avoided taking responsibility for protecting human rights in rest of the world.

India's colonial history has influenced its understanding of the norm of sovereignty to a considerable extent and it impacts how India visualises itself as an emerging power among the developing countries. In this regard, Ayoob (2004) suggests that the third world countries are apprehensive of the developing norm of humanitarian intervention since they are the potential threats to sovereign status. On a parallel account, Adebajo (2016) mentions about the Bandung conference which was held in 1955 and how it became the marker of 'revolt against the West' where the independent Afro-Asian countries came together to establish new norms against intervention and fight for liberation of Asia and Africa. Roberts (2004) has similarly claimed

that a large number of post-colonial states in Asia and Africa has remained sensitive to sovereignty and considers them as vulnerable to foreign intervention. In the UN, and in other platforms, these countries have put forward numerous justifications for a sceptical stance towards 'humanitarian intervention' and showed hostility towards U.S led interventions for being selective and as an act of expansionism (Roberts 2004:88). Moreover, the question is not about whether the concept of sovereignty as responsibility has taken a hold in international society but whether it should take hold in the form suggested by the Western states (Welsh 2004:53).

Yet, India's variations on the norm of humanitarian intervention and its mixed approach have also raises considerable questions about how India has dealt with the dilemma of sovereignty with respect to humanitarian intervention. Virk (2013) argues that India has been a reactive actor who has drifted away from its default stance on sovereignty as autonomy and yet has deep concerns for armed intervention. He describes that cautious approach still defines India's unresolved stance on humanitarian intervention (Virk 2013: 56). While India on one hand has shown its sensitivity towards sovereignty, it also has discarded it and intruded in other's territory particularly its neighbours. Bangladesh war of 1971 and Sri Lankan War of 1987 has been one of the most discussed examples among the scholars when it comes to India's intervention. India's intervention in its neighbourhood gave rise to intense legal and political debates about whether those can be justified on humanitarian grounds or they are driven by some other motives.

2.4. India's intervention in Bangladesh War of 1971

One of the most controversial debates with respect to humanitarian intervention in India has been with regard to Bangladesh war of 1971. While some scholars argue that it has been India's one of the most successful interventions on humanitarian grounds (Mehta 2011), others have argued that it is one side of the picture (Cordera 2015). Cordera (2015) further argues that India's humanitarian intervention has been driven by realpolitik interests rather than humanitarian considerations. However, scholars such as Wheeler (2000) have argued that although India had its own political motives for intervention, it had a positive outcome. Bass (2015) argues that India, being a post- colonial state championed the concept of sovereignty and yet, immediately after the second partition had to justify the use of unilateral force against Pakistan's sovereignty. The literature suggests that India's intervention in East Pakistan suggests two possibilities: First, India's move was driven by opportunism to further its own interests and second, India was justified in its ground because despite moving towards an inclusive democracy, Pakistan

imploded forcing Indian intervention (Ahluwalia 2013).

2.5. India's Intervention in Sri Lanka in 1987

Similarly, India has intervened in the internal affairs of neighbouring Sri Lanka which has also led to political debates particularly with regard to India's motives. Krause (2016) argues that India's dispatch of peacekeeping forces to Sri Lanka in 1987 was the second formative experience with military interventions. India's experience with Sri Lanka suggested that interfering in violent conflicts of other states can have fatal consequences and substantial military means can have only limited objectives (Krause 2016:10). Ahluwalia (2013) argues that India's peace-keeping venture in Sri Lanka was a part of a more activist foreign policy and it was a blatant violation of Sri Lanka's sovereignty. Pethiagoda (2013) suggests that India's efforts to obtain an invite before intervening; the method of intervention and its withdrawal of Sri Lankan government's request indicate more than purely strategic interests. In this respect, Mehta (2011) opines that India while engaging with its neighbours must balance any thoughts of democracy and human rights promotion against not merely its interests but also its own real and concrete vulnerabilities which might lead India to have direct costs if mishandled.

Bass (2015) is of the opinion that India's approach to human rights and humanitarian intervention rather than exhibiting an Asian viewpoint has convergences with the other liberal democracies of the West. There have been questions pertaining to India's advocacy of promoting human rights abroad (Mukerjee 2013). Mohan (2015) argues that India currently suffers from a tension between India's rise as a democratic great power and its reluctance of becoming a champion of liberal democratic values. He further argues that India's identity as democratic power is acquiring more weight because of Delhi's contest for power in the region with Beijing and try to balance a rising China by drawing close to U.S (Mohan 2015b:19). While others view that India's understanding of sovereignty as state autonomy and non-interventionism although forms a key value in India's foreign policy and human rights diplomacy, the post-cold war governments have shielded away from defending this stance on human rights on the basis of sovereignty (Lettinga and Troost 2015). Therefore, the scholars have primarily argued about sovereignty being a crucial element of India's humanitarian intervention discourse. The existing literature suggests that India's mixed records on humanitarian intervention also points out towards India's incongruity with the concept of sovereignty. To what extent can it be said that India's mixed stance on humanitarian intervention has been a product of the concept of sovereignty as argued by the various scholars needs to be scrutinized. Also, the existing literature somewhat prioritises the sovereignty variable for the

changes in India's approach to humanitarian intervention. The existing literature does not explain sufficiently how the sovereignty factor actually affects the internalization of the norm of humanitarian intervention at the policy level. Hence, it needs to be analysed whether only sovereignty or other modalities have played a role in India's policy changes towards humanitarian intervention norm. India's mixed stances on sovereignty suggests that India's policy decisions taken by political leadership needs to be analysed to explain India's real motives behind the policy shifts that affects the internalization process of the norm of humanitarian intervention in India's foreign policy.

2.6. Norm Localization and Humanitarian Intervention

This section primarily discusses the theoretical dimensions of the norm localization and humanitarian intervention and tries to situate it in the Indian context. It will analyse the various aspects of international norm and its diffusion process in the context of humanitarian intervention. One group of scholarship on the existing literature on norms and its diffusion process discusses about the R2P norm at the regional level. One of the proponents of norm localization has been Acharya (2004) who has argued that localization and not wholesale acceptance or rejection, settles most cases of normative contestation". While discussing about the R2P norm, Acharya (2002) makes an argument that in the developing world the idea of humanitarian intervention has received a hostile response in Asia. He further analyses the implications of the norm of R2P in the South Asian region and claims that the shift from 'right to intervene' to 'responsibility to protect' is unlikely to override their concern for sovereignty (Acharya2002:378). Capie (2012) too discusses the R2P norm in the Southeast Asia's context and argues that the norm has not localized in the Southeast Asian context. While some regional actors have used the term "sovereignty as responsibility", they have not institutionalized it (Capie 2012). Acharya (2013) discusses about the role of agency in norm dynamics and argues that new norms may undergo modifications in different locations and contexts. Dembinski and Schott (2012) argues about the localization of the norm of R2P in the context of African Union and European Union and argues that regional security arrangements play a central role in modifying emerging norms from global to regional level. The existing literature therefore, addresses the norm localization of R2P only at the regional level.

Another group of scholars has addressed the norm of humanitarian intervention at the global level clashes with the sovereignty. Wheeler (2000) has noted that global humanitarian norms clashes with the established principles of non-intervention and non-use of force. This dilemma leaves state leaders nowhere to hide and while rescuing citizens provokes the charge of

interfering in the internal affairs of the other states, doing nothing leads to accusations of moral indifference (Wheeler 2000:1). Wheeler (2004) deals with two central issues in international politics, the relationship between power and norms in international society, and the changing conceptions of sovereignty since the end of the cold war period. He makes the point that sovereignty cannot be considered as an inherent right and states who "claim this entitlement must recognize the concomitant responsibilities for the protection of citizens" (Wheeler 2004:37). The norm of "sovereignty as responsibility" has grown over the concept of "sovereignty as authority" which has transformed the massive violation of human rights from being a matter of domestic jurisdiction to a matter of international concern (Welsh 2004, Wheeler 2004). Constructivist scholars such as Finnemore (2008) have also addressed the paradoxes of norm of humanitarian at the global level and its contestation with self-determination. While one group of scholarship on norms and localization have discussed it at the regional level in the context of R2P specifically, other group of scholarship has theoretically discussed how norm of humanitarian intervention comes in conflict with the sovereignty principle.

How the norm gets localized in the context of humanitarian intervention at the domestic level of a country and the diffusion of international norms needs to be has not been discussed by the existing literature. National responses to the R2P norm have differed between governments at the international platform with respect to the localization of the R2P norm in the domestic level (Negron- Gonzales and Contarino 2014). Although, scholars such as Negron-Gonzales and Contarino (2014) theoretically explain the national responses of different governments with respect to the R2P norm, they do not test it on any individual country and limits it to theoretical analysis. However, they cite examples from other case studies and theoretically analyse how government adapts meaning of global norms to fit to the local normative context with regard to the R2P norm where states have employed different types of feedback (Negron- Gonzales and Contarino 2014: 255). The literature on norms and humanitarian intervention at the domestic level is still scantly and needs to be analysed in greater details. In other words, we need to move beyond the regional diffusion of the norm and tries to look specifically at the domestic level impact of the global norm as to how local agents reconstruct foreign norms with respect to the context specific variables in a particular country. While other works are there where influences of the norm localization theory is studied in a single county but it has been in the context of other issue areas such as commodification of knowledge in Brazil and India (Eimer, Lütz and Schüren 2016). They argue how internationally agreed norms get re-interpreted at the domestic level (Eimer, Lütz and Schüren 2016:450). The existing literature points out that how norm gets

diffused by local agents at the domestic level in the context of humanitarian intervention has not been studied sufficiently. Therefore, the study borrows from this existing literature of norm localization of humanitarian intervention but apply it in the Indian context to test whether it can explain the diffusion of the global norm of humanitarian intervention through its internalization by norm takers at the policy level. The literature therefore, suggests that the theoretical parameters of the shifts in India's approach to the norm of humanitarian intervention needs to be addressed from the realm of how international norms get internalized at the domestic level.

The domestic influence of the norm contributes to the second wave of norm diffusion scholarship. The second wave scholarship on norm diffusion discusses the domestic level explanations (Checkel 1999 and Cortell and Davis 2000) while the first wave of scholarship focused on emergence of the norm at the international level (Finnemore and Sikkink 1998). The second wave argues that international norms have important impact on state behaviour via the domestic political processes (Cortell and Davis 2000). Checkel (1999) explains the about the motivation of the domestic actors to accept new norms and brings about the discussion of agency in constructivist literature. Checkel (1997) has discussed about the domestic impact of norms embedded in European human rights regime. Borrowing from this, the study analyses the domestic impact of the humanitarian intervention norm in the Indian context by studying its trajectory of growth in Indian foreign policy. Hoffmann (2010) has analysed how the study of the norm diffusion has changed from the first wave of scholarship to the second wave. He argues how the norm-oriented constructivists have shifted their attention to a new range of questions particularly the compliance with social norms and changes in the norm itself. The literature on domestic impact of the norm is concomitant with how norm and foreign policy interact with each other. In this regard, Shannon (2000) argues how norms constrain the state actors and their policies. But at the same time, norms are the product of the way it gets interpreted by the states and actors (Shannon 2000:293). Hence, the study on one hand uses Acharya's norm localization process but also somewhat drifts away from its conceptualization at the regional level and tries to explain it at the domestic level in the realm of Indian foreign policy.

The existing literature is somewhat scattered and limited when it comes to the evolution of the norm of humanitarian intervention in Indian foreign policy. Although there are opinion pieces on India's stance on humanitarian intervention, the policy part of it has not been much discussed sufficiently. Most of the literature points out to the changes through a historical outline rather than providing a policy-level analysis of the reason for those changes. Also, we do not find much analysis of the evolution process of the norm of humanitarian intervention in India's foreign

policy analysis. Theoretically, norm localization theory has been by default considered as a regional level theory which has made its application limited. While other works exists on testing norm localization theory in the domain of a single country, not much work exists on testing this theory in the context of the norm of humanitarian intervention in the Indian scenario. Norm localization theory needs to be tested in the Indian case because India's shifting dynamics on the norm of humanitarian intervention and the recent norm of R2P suggests contestation of the humanitarian intervention norm in Indian foreign policy. Hence, existing literature also suggests that the fluctuations in India's approach needs to be explained through the lens of norm localization as it will provide an insight to diffusion and internationalization of the global norm of humanitarian intervention which is under researched. It will explain how the norm gets internalized by the norm takers such as the Indian policy makers like the government, political elites and bureaucrats who influences the policy decisions with respect to the norm.

Since, the doctrine of humanitarian intervention has remained contested in international politics evoking different debates in each passing stage of the progression of the concept, it is necessary to define some key terms before highlighting the central puzzle of the thesis. The definitions unfold how the conceptions of humanitarian intervention, sovereignty, norm localization are conceived by various scholars. As the doctrine of humanitarian intervention itself has made the international community so divisive, there is no one particular definition that can be looked upon. A range of scholars have tried to provide a definition of the concept of both 'intervention' and 'humanitarian intervention'. While some has defined it more broadly and inclusively, others have restricted the definition to "armed military intervention". Vincent (1984) has broadly defined intervention ranging from a significant activity as entry of one state into another in case of violent conflict within the other state or may be an insignificant activity as an ill-chosen remark by a statesman with respect to the affairs of a foreign state. Scheid (2014), argues that "humanitarian intervention can refer to a non-military intervention for humanitarian purposes" and therefore, although such actions are interventions for humanitarian purposes and considered as "humanitarian intervention", but they are not military interventions and should be distinguished from 'armed humanitarian intervention' (Scheid 2014:4). Other scholars such as Frowe (2014), Moore (1998a and 1998b) and Parekh (1993 and 1997), defines a legitimate humanitarian intervention on the basis of its "humanitarian considerations" becoming the primary motive. So, focusing on the legitimacy of humanitarian intervention, they argue that states do have mixed motives but a humanitarian goal which includes the well-being of the other state should play a decisive role. Given, this vast array of definitions provided, for the purpose

of this study all humanitarian considerations ranging from raising concern for human rights violations in different territory to actual military intervention to provide humanitarian protection to vulnerable population will be taken into consideration.

Sovereignty refers to the territorial integrity of the nation states under the Westphalian model. The Article 2 of UN Charter suggests that the "organization is based on the principle of sovereign equality of all its members". Article 2 (4) of the Charter suggests that "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purpose of the United Nations". Norm localization refers to the conditioning of a foreign norm according to the local beliefs and practices that determines the acceptance of the norm (Acharya 2004:239). It is a dynamic explanation of norm diffusion that describes "how local agents reconstruct foreign norms to ensure foreign norm fit with agents cognitive prior and identities" (Acharya 2004: 239). Localization of the norm in a specific context settles the issues of normative contestation instead of their wholesale acceptance or rejection (Acharya 2004:239). It is concomitant with the second wave of norm diffusion as it looks beyond international prescriptions and stresses the role of domestic political, cultural and organizational variables that influence the conditioning of the norm (Acharya 2004: 243, Cortell and Davis 1996 and 2000, Checkel 1997).

3. Central Puzzle of the Thesis

The existing studies on India's inconsistencies towards the norm have remained inadequate because an in-depth analysis behind India's approach has not been conducted. So far as the trajectory of this norm in Indian foreign policy is concerned, how the policies with respect to this norm have evolved has not been adequately addressed by the existing literature. Hence, the rationale behind the study is to explain the changes in Indian foreign policy analysis with respect to the norm of humanitarian intervention in international politics. The motive is to explain how the global norm transcended in India's domestic domain and how the interaction between the global and local factors influenced upon the journey of the norm of humanitarian intervention.

Moreover, India is considered as one of the largest democracies expanding its capabilities, but the domestic diffusion of a global norm such as humanitarian intervention in a single country like India has not been sufficiently analyzed and validated. India's oscillating policy towards the norm of humanitarian intervention suggests that a comprehensive study needs to be

undertaken. Also, given the importance of these issues such as humanitarian intervention, which has remained an issue of debate in the international community, understanding India's views on the norm is important given its emerging power status. India's inconsistencies with humanitarian intervention therefore raises the following questions: *first* has been what was India's humanitarian intervention policy in the first two decades of independence. The *second* question addresses the issue of sovereignty in the perspective of humanitarian intervention in post-independent India. The third how India's policy in the context of humanitarian intervention in its neighbourhood be explained. The fourth question explores what has been the change from 1990s to 2000s with respect to the recent "R2P" norm. As a result, the *fifth* question seeks an answer to understand how does foreign policy and the global norm of humanitarian intervention interact with each other in the Indian case. The last question explains to what extent does the theory of norm localization explain the changes in Indian policy towards the norm of humanitarian intervention.

In order to find an explanation as to how the local factors impacted upon the transition of the norm of humanitarian intervention, the following three hypothesis were used: *first*, India refused to accept the sovereignty defence as an obstacle for intervention in the context of decolonization as it saw decolonization as a vital foreign policy objective and India could not possibly be vulnerable to international intervention on these issues. *Second,* India's objection to humanitarian intervention since the 1990s to 2000s was the reflection of its concern that India could itself be vulnerable to international intervention. *Third*, norm localization could not take place in Indian case because there was already a strong domestic normative opposition to external intervention including humanitarian intervention.

The scope of the study limits itself to explaining the transition in the norm of humanitarian intervention in Indian policy approach. It theoretically limits to explain the phenomenon by testing the norm localization theory in the domestic context of India specifically. It explains only from the perspective of norms in the constructivist literature to investigate how global norm of humanitarian intervention impact on the Indian foreign policy at the domestic level. The study will restrict itself by focusing on the policy changes in the norm of humanitarian intervention since 1950s onwards in the Indian context. However, it will take into consideration the antecedents of those policies before the 1950s that has influenced the Indian leaders in the course of this research.

4. Research Methodology

The study will be based on qualitative methodology using primary archival material, secondary academic literature, supplemented with interviews. The primary data will be collected from various sources such as official documents, contemporaneous reporting, memoirs, official parliamentary debates and private papers available at the National Archives and Nehru Memorial Library at New Delhi.

The study will use the single case study approach as it seeks to study the variations in the global norm of humanitarian intervention at the domestic level of one specific country by analysing the possibilities of its diffusion in the Indian 'locale'(Acharya 2004). It will help us to provide a theoretical explanation whether norm localization theory holds true for the specific case of India. Case study approaches help us to test or infer explanatory hypotheses (Evera 1997:55). It will attempt as far as possible to trace the change of events and decision- making processes (Evera 1997:64) that has influenced India's trajectory of humanitarian intervention. Single case studies can contribute to testing theories in social sciences through the empirical evidences gathered (Ulriksen and Dadalauri 2016: 223). However, Ulriksen and Dadalauri (2016) and Beach (2017) emphasizes on process-tracing method for single case studies. The study will not use process tracing method because we are not seeking to explain one particular historical outcome and event, but will use the single case study methodology to map out as much as possible the changes in the trajectory of the norm of humanitarian intervention in Indian foreign policy from the relevant data that is available. Therefore, the study uses the single case study methodology to evaluate and test the applicability of the norm localization theory in order to explain the variations in the norm of humanitarian intervention in the Indian case.

5. Chapters of the Thesis

The first chapter of this thesis is the introductory chapter. It will introduce the research, elaborate on the research design, discuss methodology and identify the definition, rationale and scope of the project. It will also detail the literature it shall be drawing on. The second chapter analyses the core dilemmas of humanitarian intervention such as sovereignty and investigates India's fluctuations towards the norm of humanitarian intervention. It gives a brief view about the norm diffusion process of humanitarian intervention in the specific domestic context of India and provides a theoretical base for understanding how foreign policy at the domestic level and global norm interacts with one another. This is followed by the third chapter which analyzes the

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trajectory of the norm of humanitarian intervention in the two decades after independence. Although, humanitarian intervention as an established concept came about in 1990s at the international platform, the idea and practice are much older. It outlines India's initial approach towards the norm of humanitarian intervention in the Indian context. The fourth chapter explores the two cases of intervention by India which has been perceived to be based on humanitarian grounds and investigate the changes in the norm with respect to these cases before the end of the cold war. This includes: The Bangladesh War of 1971 and India's intervention in the Sri Lankan Civil War in 1987. The next chapter highlights the changes in India's approach towards the norm of humanitarian intervention in the post-cold war period. It discusses the transformation of the norm during this period and investigates those variables that have influenced its localization process. It will also focus on how India's policy changed in 2000s with the recent "R2P norm" and how it impacted the diffusion of the norm in Indian foreign policy at the domestic level. The last chapter concludes the analysis of the research conducted and revisit all the arguments of the previous chapters to present a comprehensive understanding of the India's approach towards the norm. It will make a theoretical evaluation as to what extent the norm localization theory has explained the diffusion of the norm of humanitarian intervention by studying the policy shifts in the Indian framework.

CHAPTER-2

Humanitarian Intervention and Norm Localization: Looking Into The Indian Perspective

1. Introduction

This chapter analyses the localization of the norm of humanitarian intervention in the domestic context of India from a theoretical perspective of international relations. In order to do so, the chapter adopts the theoretical approach of norm localization theory (Acharya 2004, Acharya 2009) to explain the domestic level diffusion of the humanitarian intervention norm in India. The norm localization theory (Acharya 2004, Acharya 2009) provides an explanation as to how a global norm becomes relevant at the local or regional context. The norm localization theory has played a crucial role in the norm diffusion literature and has accompanied the concept of norm diffusion for over the years by addressing the fact that international norm simply does not diffuse but gets modified by the local actors at the domestic level of the country. So, norms get modified and reconstructed at the "locale" by the cognitive priors and pre-existing local norms (Acharya 2004:239). While operating within the arena of norm diffusion theory, the concept of norm localization as conceived by Acharya (2004) has explained how the global international norms encounter the local domestic norms, the norm contestations at the local level leading to congruence-building mechanism of the norm and the agential role of the local actors to translate the global norm to fit with the pre-existing local beliefs and values. Hence, it focused on the problem of the global-local norm diffusion process in the norm dynamics literature which formed a crucial part of the discussion in the second wave of constructivist literature. The concept of norm diffusion process at the domestic level politics forms an extensive part in the literature of norms in international politics. The influence of the international norm at the state level impacting the state behaviour and state politics has been the point of study by several constructivist scholars such as Cortell and Davis (1996; 2000), Checkel (1999), Risse, Ropp and Sikkink (1999), Klotz (1995) and others. Although their perspectives and point of arguments differed, the main contention of these scholars was the domestic impact of international norms. Acharya (2004,2009) further added on the literature of the domestic and global interface of international norms by arguing that some norms are better accepted in the domestic "locale" than the others because of the adaptation of the international norms by the local actors with the already established values and beliefs. Hence, congruence building leads to the better acceptability of the norm in the global-local norm contestation leading to its localization process (Acharya 2004, 2009).

However, given the dynamic nature of international norms and the way it influence international politics, this understanding of the engagement of the global norm at the local level remains confined to the global and local dichotomy as explained by various scholars in their analysis. Although attention has been paid to the domestic political processes and progress is made in the local translation of global norms, the localization approach to norm diffusion needs to further broaden the horizon of analysing the global and local norm interaction (Hensengerth 2015, Zimmerman 2017). While scholars such as Gurowitz (1999, 2006) and Acharya (2004) talks about modification and interaction of the international norms at the domestic level and how domestic actors use the norms in context-specific environments , a further extensive research is required for broadening the horizons of the global-local norm diffusion. The study of the dynamics of the different levels of the interaction between the global and local norms leading to the generation, contestation and reciprocity towards the norms at the local level has remained underexplored.

This chapter develops from the idea that the attitude of a specific country towards a particular global norm needs more extensive research. It investigates the domestic level components in greater details in order to understand the entire internalization process of the norm at the national level. So, we borrow from the literature to explain the global-local interaction of norms but we also need to expand the understanding of the interplay between global and local vis-a-vis the local. The chapter theoretically discusses the trajectory of the norm of humanitarian intervention and gives an overview of how India as an actor has dealt with this particular norm. It provides an outline of the interplay between the international discourse on global norm of humanitarian intervention and India's take on the norm. It draws upon the evolving nature of the norm and delves into the making and implementation of the norm in the Indian case. It showcases to what extent the global-local norm diffusion process occurs at multiple levels by analysing the integrities of domestic components that shapes the understanding of the norm. Although the norm localization theory, which forms a crucial part of the norm diffusion literature, have addressed how the global norm gets modified in domestic "locale" of a country, yet the position of the local level variables has not been sufficiently highlighted in the global-local interface. The way the global norm transcends at the domestic domain and the involvement of the domestic processes in shaping the dynamics of the norm needs a widened analysis.

So, despite the advances in norm literature, the focus on global-local dichotomy in norm diffusion has led to biasness towards the global norm (Cortell and Davis 2000:68, Hensengerth

2015:507). Scholars such as Gurowitz (1999) have spoke of the state actors' role in the integration of international standards domestically. But do norm conflicts always result in an amalgamation of the norms? Keeping the debates of the norm literature in mind, the questions are raised on the hierarchical view of norm diffusion and shows the need to address the domestic parameters in a rigorous manner. In order to understand the dynamics of norm diffusion in the context of a specific country we need to move beyond the hierarchical view of norm diffusion and look how local actors influences domestic policies that shapes the internalization process of the norm. It will provide an insight as to how domestic strategies and domestic policies shape the norm dynamics. The chapter argues that a deeper local level analysis is important (Hensengerth: 2015) to understand the importance of the global norm of humanitarian intervention in India's policy. Hence, the question here is does India consider the hierarchical view of diffusion in case of humanitarian intervention and whether India believes the norm of humanitarian intervention to be a significant global norm that would lead to its acceptance in the domestic policy level. As a result, the chapter highlights the convergences and the divergences of the global-local norm diffusion and the whole dynamics of it in India's context. The chapter situates the norm contestation and diffusion of the norm of humanitarian intervention within the ambit of norm localization theory and seeks to understand that how far this theory works for India. It builds on Acharya's model and analyses how local values and belief structures of the actors or the agencies such as the bureaucracy and political parties plays a crucial role in the internalization of a global norm of humanitarian intervention in the India's framework at the domestic level. But it also moves beyond Acharya as it looks into the whole gamut of issues related to localization at multiple levels in the domestic domain and at the same time tests how far this theory will be relevant for our study of explaining the trajectory of the norm of humanitarian intervention with India being the actor. Giving a theoretical overview of India's position on the norm will enable us to formulate the subsequent chapters of the study.

The chapter has three main components: firstly, it discusses the theoretical journey of the norm localization theory. It illustrates the conversations of the localization approach of the norm diffusion theory from the constructivist literature. The second part discusses the global norm of humanitarian intervention through the perspective of norm localization theory. This section deals with the norm of humanitarian intervention and traces the journey of the norm in international politics. It also traces the theoretical debates of the new norm of Responsibility to Protect (R2P) norm and situates the norm in the domain of international politics. The next segment of the chapter then shifts to third part which talks about India's perspectives on the

global norm of humanitarian intervention. It theoretically situates the norm of humanitarian intervention at the domestic level of India to examine how an actor such as India has dealt with the norm of humanitarian intervention. It further examines the position of the norm in India's foreign policy and the level of diffusion of norm at different domestic levels. The chapter maps the theoretical dialogues of norm localization theory and argues to what extent the theory has been able to suit the case study of India with regard India's dealings with the norm of humanitarian intervention in its foreign policy.

2. Norm Localization Theory: The Diffusion of Norms in Local Context

This section of the chapter discusses the theoretical roadmap of the norm localization theory deriving from the constructivist literature. Analyzing the norm localization theory in details gives us the clarity of the theoretical parameters essential to understand India's behaviour with respect to the norm of humanitarian intervention and whether the theory applies to the Indian scenario fully or partially. The study, therefore, uses the norm localization theory to justify the extent of internalization of the norm of humanitarian intervention in India's foreign policy at the national level. It seeks to explain the dynamics of the diffusion of the norm by Indian policy makers as potential 'norm taker'. Simultaneously, it also tests how far Indian policy makers apart from manoeuvring the norm in the domestic domain, also plays a crucial role in influencing the properties of the global norm at the international level. Therefore, the norm localization theory is examined to assess whether it provides a suitable medium or a tool to explain India's behaviour towards humanitarian intervention. It analyses the overall transition of the global norm in India's context. Therefore, on one hand, testing the theory explains how Indian policy makers influenced the internationalization of the norm in India's foreign policy and on the other hand, it also highlights the significance of the 'local' in the global-local interaction through the study of the translation of the norm in India's context.

It is essential to do this because as discussed before, the hierarchical view of norm interaction often priorities the global parameters as compared to local parameters. So, while looking at the multiple level diffusion of the norm within the ambit of localization, the study also tests whether the theory sufficiently explains the global local interaction with respect to norm of humanitarian intervention in the Indian scenario. In order to do this process, it is important to look into the background of the norm localization theory in greater details.

The norms literature theoretically discusses the development and impact of norms that shapes the behaviour of actors in international politics. The concept of norms as envisaged by the

constructivist scholars explains the genesis, relevance and utility of norms in influencing and regulating the actors' conduct (Florini: 1996, Raymond: 1997, Ruggie: 1998). The scholars have analysed the emergence of the norms and different aspects associated with it such as the journey of norms, in what context it develops, gains acceptability or face contestations and the entire range of processes that are involved in norm building and creation. The literature provides different explanations to understand how norms are perceived and diffused.

However, within the norms literature, primacy has been given to international norms in shaping the behavioural patterns of the actors in international politics. In this realm of things, focus of the scholars have revolved around the building and operation of norms in international level and how they are an important puzzle in influencing behaviour (Finnemore and Sikkink 1998). As Acharya (2004:240) points out that the initial phase of the norms literature, which was the "first wave", focused on the level of international system with the leading proponents being Finnemore (1993) and Finnemore and Sikkink (1999).

Finnemore and Sikkink (1998) explain the creation and diffusion of norms from the international perspective. Their approach to norms were driven by how norms exercise influence and under what favourable conditions does norms become influential in world politics (Finnemore and Sikkink 1998:888). The primary concern lay in the fact that how international norms or regional norms set the standards for appropriate behaviour of the states and non-state actors (Finnemore and Sikkink 1998: 893). Using the example of women suffrage, Finnemore and Sikkink (1998) argues that domestic norms are entwined with the working of international norms and while domestic influences are important in the earlier period of the norm cycle, the domestic influences lessens as soon as the norm gets institutionalised at the international level. Hence for Finnemore and Sikkink (1998), domestic receptiveness to international norm is important for international legitimization of the norm. Florini (1996) and Raymond (1997) too have brought about the discussion of international norms in the domain of international politics. Raymond (1997), studies the web of expectations created by international norms and how these introduces a modicum of order and predictability in world politics even in the absence of formal institutions to enforce compliance. He gives an account of the relevance and the impact of international norm in international relations and also provides a theoretical explanation of norm transformation (Raymond 1997). On the other hand, Florini (1996) too using the concept of emulation explains the evolution of international norms. She draws from the population genetics and elucidates how it is appropriate to explain norm change and she clarifies that norms evolve because they are subject to selection (Florini

1996:374). She further justifies that the genetic analogy provides a framework in which internationally held norms can be explained (Florini 1996:374). Finnemore in her book, *"National Interests in International Society"* while defining the interests of the state explains it from the purview of the international system. She tries to develop a "systemic approach to understanding state interests and state behaviour by investigating an international structure, not of power, but of meaning and social value" (Finnemore 1996:2). States need to be understood in the context of the international social structure of which they are part if we want to analyse what their interests are (Finnemore 1996:2). She further explains that states are embedded in dense network of transnational and social relations that shape their perception of the world and their role in the world as well (Finnemore 1996: 2). As a result, states are socialized to want particular things by the international society in which and the people live in (Finnemore 1996:2). So, the primary focus remains confined to the importance and influence of norms in world politics. The domestic level norms are only important to the certain degree and when the norm gains legitimacy at the international level, the domestic impact becomes secondary.

This explicit view of the literature of norms at the international level, has neglected the operation of international norms in the domestic political systems (Cortell and Davis 2000). The excessive emphasis on international norms has led to a lack of sufficient attention to the domestic level impact of norms. There was an emerging body of literature that started focusing on the impact of norms at the domestic levels. The 1990s seemed to be a glorious year in the norms literature which brought about a range of debates in the central body of the literature.

 The domestic diffusion of norms and the impact of norms at the national level can be seen in the writings of Checkel (1998), Cortell and Davis (2000,2005), Risse, Ropp and Sikkink (1999) and Gurowitz (1999,2006). These scholars constituting the "second wave" of the norms literature provided strong explanations of domestic impact of norms. They give a powerful insight of how norms spread and get diffused at the domestic level. As a result, the "second wave" addresses questions such as when does a norm gets prominence at the domestic level, how does a global norm gets transferred and gain acceptability at the local level and what are the norm contestations at the global-local nexus. So, the "second wave" demonstrates the effects of norms in the domestic political debates and also empirically studies the interactions between the international and the domestic normative systems (Cortell and Davis 2005). The connecting themes of the scholars of the "second wave" are the internalization of international norms in the domestic domain. While in few cases the internalization of the norms takes place smoothly as there are no pre-existing national level understandings that influences the diffusion

process, in other cases the international norm clashes with the pre-existing national understandings that generate strong domestic opposition (Cortell and Davis 2005:3). Hence, the domestic variables play a crucial role in the acceptability of the norm at the national level.

3. Domestic Level diffusion of Norms: The Second Wave Literature

A more extensive discussion of the "second wave" scholarship on norms explains the conversation within the literature on the domestic variables at greater details. The scholars of this body of literature used different case study models to explain the different situations in which domestic variables influence the norm dynamics and therefore, tracing the transfer of norms at from international to domestic. Exploring the "second wave" literature tells us that it heavily draws from the interplay between the international and domestic factors and it is argued that implementation of the international norms crucially depends on the congruence with the prevailing attitude of the domestic actors (Checkel 1997, 1999, Eimer, Lütz and Schüren 2016).

Therefore, analysing the second wave literature, we find that there are debates among the scholars within the second wave literature about how they perceive the domestic diffusion of norms. Although all the scholars study the effects of norms and its diffusion, they differ on how international norms manifest itself in domestic politics. There is a dissent among the scholars about the role of the domestic processes in the diffusion of global norms. While some scholars speak of the amalgamation of the domestic and the international parameters that leads to institutionalization of global norm, others argue for differential diffusion of the global norm at the domestic level. However, there is lack of clarity regarding the journey of the norm as it transcends down the local level. Nevertheless, the local remains subservient to the global in the global-local diffusion dynamics. Hence, some of the constructivist scholars argue that there has been ultimately a prioritisation of the international norms and norm theorists are falling under the same old trap of keeping the international at a higher position. They argue that the analysis of the domestic parameters has remained limited and under researched despite the attempts of studying the interplay between the domestic and international. Hence, our attempt will be to borrow from this idea of exploring the domestic political process but at the same time expand our understanding of the intricacies of the domestic factors in further details and in an in-depth manner particularly with respect to the Indian context in order to comprehend the variances in the literature on domestic norm diffusion. For this, we test the localization approach of norm diffusion to explain the variances in the norm diffusion in the Indian context. Let us elaborate the debates within the norm literature in greater details.

We will give a brief account of some prominent scholars of the literature by beginning with (Gurowitz 1999) who argues that international norms and standards does not diffuse automatically or consistently among the states and while these international norms do matter but they do not function in a mysterious and automatic process It is the domestic actors who use the international norms in context specific environment and if international norms have any impact if the states incorporate them (Gurowitz 1999:416). Hence, he talks about the interaction of the domestic and international and tries to explain that international norms only matter when they are used domestically and when they work their way into political process (Gurowitz 1999: 416). He uses the process-tracing model to understand when and where international norms matter and uses the case study of immigration in Japan and Germany to prove his viewpoint (Gurowitz 1999:416). While in Germany the international norms did not play any crucial role in policy-making regarding immigrants, in Japan the impact was broad and diffuse (Gurowitz 1999: 417). In another article, Gurowitz (2006) further examine the cases of Japan and Germany and compares them to explain how state identity and identity crises matter in understanding the differential diffusion of international norms. Thus, the literature sets the stage for two factors: exploring how international norms have domestic effect and differential diffusion of norms (Gurowitz 2006:308). Another account for this differential diffusion of norms can be found in the work of Risse, Ropp and Sikkink(1999) who use the spiral model to find out the conditions that leads to the variations in the internalization of human rights norms. Through different case studies and exploring the linkages between international human rights norm and changing human rights practices they try to develop mechanisms and stages through which international norms lead to change in behaviour (Risse, Ropp and Sikkink 1999:2). The idea is to find out the influence that a set of international human rights norms has on a wide variety of states with different cultures and institutions (Risse, Ropp and Sikkink 1999:2). The internalization of norms domestically depend on the mechanisms how norms operate and they explain this internalization process through the concept of norm socialization (Risse, Ropp and Sikkink 1999:2, Gurowitz 2006: 309). Farrell (2001) comes up with the concept of norm transplantation where he elucidates the context, processes and mechanisms whereby transnational norms are diffused and empowered in new national contexts and how the transnational norms collide with the local norms making the transplantation difficult. He draws on his idea from the impact of transnational norms on military development by using post-revolutionary Ireland as his case study (Farrell 2001). In a similar way, scholar such as Cardenas (2004) has paid attention to how international and domestic factors sometimes in interaction mediate human rights change. Cardenas (2004) addresses multiple reinforcing links

between international human rights pressure and state behaviour. The argument in this regard was further extended by explaining that compliance and violation are the two sides of the same coin and human rights pressure can coerce, induce or otherwise make state actors to persuade international norms depending on what is at stake (Cardenas 2004:221). One of the leading proponents of the domestic level analysis has been Cortell and Davis (1996, 2000, 2005) who brings into the discussion about the system level bias in norms research which caters to the international emergence and operation of norms at system level while neglecting the growing body of literature which focus on the operation of international norms through domestic processes. As a result, they bring about the conditions and mechanisms when international norms becomes domestically salient (Cortell and Davis 2000). He uses cultural match, rhetoric, domestic interests and institutions, socializing forces as channels through which domestic saliency is gained (Cortell and Davis 2000). Cortell and Davis (2005) further argues about the domestic and international norm clash how does international norms get internalized and tells us that "the origins of many international norms have been located in national understandings of what constitutes appropriate behaviour in a given issue area. The reverse, however, is also held to be true." Many national-level norms have been adopted after finding their initial articulation in international institutions (Cortell and Davis 2005).

Checkel (1997) provides for another account of norm diffusion within this domestic analysis. He illustrates the domestic impact of norm embedded in the European human rights regime (Checkel 1997). Checkel (1997) uses the dialogue between two theoretical paradigms of international relations, the rational choice theories such as liberalism, and social constructivism, to bring out how both the school of thought is correct in analysing that norms sometimes constrain (rational choice) and norms sometimes constitutes (social constructivism). Hence, a problem-driven approach is adopted by him to find an analytical tool to entangle the differing norm dynamics and overcome the methodological divides to answer how international norms have both constraining and constitutive effects at the domestic level (Checkel 1997:474). In his other arguments, he brings about the fact that how both domestic norms and domestic structures are variables that intervene between systemic norms and national level norms (Checkel 1999: 84). Chayes and Chayes (1993) gives an account of norm compliance with respect to international treaties thereby extending the argument with Gurowitz (1999, 2006) about differential diffusion of norms that why states comply to certain norms over other. He argues that compliance problems do not necessarily reflect a deliberate decision to violate international obligations based on calculative understandings and gives a variety of reasons

behind it and why those reasons would be accepted by others easily. Another aspect has been posited by Klotz (1995) who provides a top-down approach and discusses the success of the transnational anti-apartheid activists in generating great power sanctions against South Africa and tells us how norms are important factors in determining states policies independent of any strategic or economic considerations. She argues that the role of analysts is to examine the role of global norms in determining state interests rather simply considering norms as external constraints on state behaviour (Klotz 1995). Legro (1997) also provided for a powerful domestic insight by questioning that how scholars have overlooked important effects that norms can have and the magnitude of that effect particularly at the domestic level. He also explains the differential norm diffusion by using the case study of norms and use of force in World War II (Legro 1997). He further claims that the best possible insight to the variation of norm adherence comes from the cultures of national military organizations that mediated the international rules (Legro 1997). Hawkins (1997) explores the connection between the domestic and international using the case study of Chile where first human rights campaign began and he suggests the relative importance of international norms in shaping state behaviour. He explains the role of domestic constituencies in promoting better human rights campaign and how domestic actors use international pressures as a tool to advance their agenda (Hawkins 1997: 404). Knowledge of how authoritarian regimes function would enable human rights activists in better campaigning (Hawkins 1997:405).

Similarly, other scholars in recent times such as Foot and Walter (2011) have also been the advocates of the domestic impact of international norms in the recent norm scholarship. The different analysis of the domestic diffusion of norms suggests that there is shift from the connotation of "norms matter" in international politics, to the analysis of the variances in norm diffusion showing when and why they matter at the domestic level (Gurowitz 2006). Drawing from the various scholars, we find that there has been a strong literature that talks about the interplay between the domestic and international level. The scholarship has challenged the simplified dichotomy in the implementation process of international norms and brought about the role of the domestic in forefront. Yet, the scholars have differed in their approach to the operations of the domestic factors with respect to the international norms. The recent scholarship on this domestic process of the norms further got a thrust with Acharya's localization theory. Acharya (2004) brings into the norm diffusion literature the idea of localization claiming that it also important to consider whose ideas matter therefore, adding on to the variances in norm diffusion dealing with the "when" and "why" question.

Acharya (2004) conceives the modification of an international norm when it faces the local level norms and brings in the role of local actors who play a crucial role in "congruence building" about the norm. He argues that local actors act as the agen**ts** who reconstruct the foreign norms in accordance with the preconceived notions and values (Acharya 2004: 240). In order to do so, he takes the help of ASEAN to explain how South Asian borrows the foreign ideas of authority and majority and fit them to indigenous practices (Acharya 2004:244). Followed by Acharya (2004), numerous scholars have used the localization theory to explain various regional and domestic processes. Also, there has been other scholars who addressed the gaps in the localization approach in norm diffusion and tried to come forward with their own alternative arguments about contestation and localization processes. Zimmermann (2016) for example discusses the reaction to human rights norms in post-conflict states and argue how research on norm localization points out to norm diffusion results beyond full norm adoption or rejection. However, she argues how localization has become a catch-all concept and how categorizations for norm translations and localization are still missing which makes it essential to come up with a new conceptual framework of norm translation which is embedding and reshaping (Zimmermann 2016:99). She critiques Acharya's (2004) localization approach as being too broad and being concerned with regional organizations where local regional norms seek to connect with external-norm sets (Zimmermann 2016: 105). The actors may even "prune" norm sets and remove any part which don't seems to be fitting which means that every reaction between rejection to adoption is a localization process (Zimmermann 2016:105). For IR researchers, the localization approach resonates the socialization paradigm where the local becomes a barrier through which certain norms enter while others get filtered out and so localization does not remain the process of reinterpretation but the talk is limited to again weak diffusion or internalization (Zimmermann 2016:105). Capie (2008) argues that constructivists discuss how states and domestic political institutions are targets and how non-governmental organizations are the advocates of such norms (Capie 2008: 638). Capie (2008) doesn't however; focus his arguments on domestic interests or national level institutions. He furthers his argument on regional reception of norms and builds on the emerging literature of localization of transnational norms with respect the diffusion of small arms norm in South East Asia. He explains two important features of localization process that plays a crucial role in the norm dynamics of small arms diffusion as: first, the strength of the pre-existing norm being important to assess whether the norm will get diffused, remain unchanged or get modified and second, it gives a more important role to local agents and norm takers (Capie 2008:639). Aharoni (2014) also uses the localization mechanism to explain the implementation of the

Security Council Resolution 1325 in Israel. She discusses the selective patterns of localization process and how the variations at the national level reflect a dynamic diffusion of norms (Aharoni 2014). Hensengerth (2015) while explaining the norm contestation in Cambodia's hydropower sector tells us that although there has been a focus on the domestic arena, the global-local dichotomy continues to play a significant role in the literature. He focuses on the hierarchical view of norm diffusion in the context of the global norms and diffusion of those norms in the domestic politics of the developing countries (Hensengerth 2015:508). He argues that developing countries are not just the receptors but local actors frame domestic policy debates and construct policies referring to global norms (Hensengerth 2015:508). He further emphasises the necessity of local level analysis as it will help us to understand the local communities as actors engaged in normative conflict in which the construction of public policies is shaped by competing discourses (Hensengerth 2015:508). Also, Eimer, Lütz and Schüren (2016) further enhances the discussion of domestic diffusion of norms using localization approach and addressing the gaps in it. They also the same line of argument, discuss how specific localization of norm depends on interaction between international pressure politics and the congruence with prevailing domestic, public, private preferences. Eimer, Lütz and Schüren (2016) talks about how local actors can change " its emphasis (accentuation), complement it with supplementary purposes (addition), or implement it in a way that partially deviates from original intention (subversion)." They discuss specific localization outcomes in two places, Brazil and India, and their variances in commodification of knowledge suggesting that specific character of localization is governed by domestic actor constellations (Eimer, Lütz and Schüren 2016). Hence, scholars provide different insights to how international norms migrate and get diffused with the national level agencies and institutions. But at the same, it can be inferred that the literature doesn't talk about specific categories of localization processes in different contexts and what are the outcomes of such specific localizations. The lacuna lies in the fact that there are different internal variations within the localization dynamics which is not sufficiently addressed by the literature. This makes it essential that we broaden the horizon of the domestic diffusion of the norms and go for further analysis of the interaction between global and local by analysing specific country level outcome of the localization process. While the, scholars have given importance to the local, they have not discussed the intricacies of the localization when a global norm meets the local level parameters. Hence, recent scholarship has critiqued that the literature still somehow remains stagnant when it comes to exploring the mechanisms of domestic diffusion of norms. Therefore, there is a need to understand the interplay of the local with the global parameters

and how this interaction impacts upon the diffusion of a particular norm. So, rather than focusing on how local level factors merely disperse the global norm at domestic domain, it is important to elaborate how they act as important stakeholders in the global-local diffusion process. As a result, it is essential to move beyond the dichotomous relation between the global and the local. On one hand there has been an advance in the literature on dealings with the various mechanisms of domestic diffusion of norms, at the same time there has been criticism by the scholars that the study of variances in the domestic level diffusion has still remained biased where the dominant role is still played by the international norms and how they become more acceptable at the local level. Although there have been specific studies by the second wave scholars which tell us how the local level norms play an effective role in shaping the diffusion process by explaining norm socialization, spiral models, differential diffusion, and the role of local actors in modifying norms, the study still needs to broaden the horizon of the domestic level diffusion further. Also, how can we categorize the localization processes and what are the outcomes of specific localizations is not sufficiently addressed. Situating in the various debates about the norm diffusion, the attempt is to analyse India's diffusion of humanitarian intervention norm and try to draw the answers from the localization approach. The localization approach while brings into the domain the role of the local actors in modifying the norm given India's fluctuations for the norm, it will also move beyond the localization process and look into the variances of norm localization in the specific context of India and the particular outcomes with respect to the norm of humanitarian intervention. Therefore, we will analyse the variations of norm localization by testing the theory in the India's context. Broadening the domestic diffusion literature, we argue that how the multiple levels of diffusion take place in India with respect to the norm of humanitarian intervention and how the interplay between the international and the local takes place within the specific context and variances in the Indian domain.

4. The Diffusion of the Global Norm of Humanitarian Intervention: Evolution and Contestations at the International Level

This section of the chapter discusses the journey of humanitarian intervention as a norm in international politics and then tries to situate it in the realm of norm diffusion and localization. Before going into the saliency of the norm of humanitarian intervention in the domestic domain of India, first we need to operationalize the concepts of humanitarian intervention and the debates surrounding the norm, the contestations of the norm in the domain of the international. It delves into the different phases of the debates and the trajectory of the norm in international

politics. While the doctrine of humanitarian intervention came into the forefront in the 1990s, it has been an age-old concept that has evoked different debates with the evolution of the concept in international politics. The norm of humanitarian intervention in itself as a concept has not made international community divisive as compared to the applicability of the norm. Welsh (2004) have "investigated the controversial place of humanitarian intervention in the international society through the lenses of theory and practice". As a result, he argues that most of the academic discussion on humanitarian intervention while focus on the question on whether there is a legal right for humanitarian intervention, it given on insufficient attention to the underlying ethical issues, political dilemmas within the international organizations ad coalitions and the practical dilemmas faced by international actors (Welsh 2004:1).

Hence, what we find is that there is a consensus and common understanding when it comes to the idea of humanitarian intervention as a norm but the international community is conflict-ridden when it comes to the applicability of the norm in terms of approach and constituents of the norm. The conduct of the norm in each passing stage of the progression of the concept has created contestations. So, the practice of the emerging norm of humanitarian intervention made the international community divided challenging the strength of the norm. The more recent debate about the norm could be seen in the form of the emerging norm of R2P or Responsibility to protect doctrine in international politics. Glanville (2006) while discussing the strength of the norm of humanitarian intervention gives an account regarding the prescriptive power of the norm and how its interplay with self-interests has influenced the applicability of the norm. He further argues that the prescriptive power of the norm not only permits its intervention but also prescribes it in certain circumstances over others and therefore, states respond to some grave violation of human rights over others. This section will further discuss the inconsistencies and contestations with respect to the norm of humanitarian intervention in details.

Hence, the basic question in international politics that comes to the mind is how humanitarian intervention can be perceived as a norm and the normative challenges that it faces at the international level. In this discussion, the history of the evolution of the norm of humanitarian intervention at the international level suggests that we can categorize three challenges that has influenced the relevance of the norm and led to its contestations. However, we cannot completely straitjacket them into three distinct categories as the different aspects of these debates related to the norm of humanitarian intervention often overlap with each other when we study the application of the norm in the crisis situations. Hence, given the innumerable literature on the norm of humanitarian intervention by different scholars in the field, we can

categorize three dilemmas for our study: the ethical-legitimacy dilemma of the norm of humanitarian intervention that affects the strength of the norm, the sovereignty dilemma that leads to the contestation of the norm in its application in the other person's terrain and the politics of humanitarian intervention which talks about two factors: the power politics of the bigger power such as US in using norm of humanitarian intervention and the ambiguity among different states in their responses to the norm of humanitarian intervention. Both the factors lead to the questions who are the norm makers and how do the countries respond to the norm?

The **first** contestation that the norm of humanitarian intervention face is related to the intention behind carrying out an intervention based on humanitarian grounds. This challenge comes from the moral perspectives behind intervention in the other people's territory for humanitarian considerations. The ethical and legitimate considerations for humanitarian intervention in international politics focus on the moral and legitimate intentions of the international community in case of humanitarian crises. These concerns raise the argument that moral justification for a humanitarian intervention depends on the humanitarian credentials of the intervener (Pattison 2010:154). The moral perspective brings in the dilemma of what constitutes as a valid intervention that is driven by 'humanitarian' motives. Thus, it brings into the limelight the diverse methods that can be used for humanitarian purposes such as the non-military methods by raising concern for human rights violations in different territory to actually conduct an armed intervention to provide protection to the vulnerable population. At this juncture, it is kept in mind that this study does not only restricts itself to the narrow idea of a humanitarian military intervention but considers a range of issues such as raising humanitarian concerns to actually taking armed military intervention for humanitarian purposes. This is done so as to understand India's actual domestic perspective towards the international norm of humanitarian intervention and the growth of the norm in India's foreign policy. The analysis of broad understanding of humanitarian intervention in India's context will give us a clear idea about India's definite foreign policy objectives and the extent of localization of the foreign norm in the domestic domain. The Indian dilemma with respect to the norm of humanitarian intervention will be further dealt with in the next section. In this segment we further discuss in detail how the moral normative dilemma at the international platform raises the problem of methods for conducting the humanitarian intervention.

The **second** debate surrounding humanitarian intervention has been the sovereignty dilemma in humanitarian intervention that has led to norm contestation and affected the saliency of the norm at international level. Humanitarian interventions in the cases of genocidal crimes entail

interference in the sovereign territory of the other country on humanitarian grounds which have been often contested. Under the Westphalian system of governance, the sovereign equality of the nation-state system prevents any interference from other countries within the territorial jurisdiction of other states. Kofi Annan (1999) in his article "Two Concepts of Sovereignty" has significantly discussed about the conflict between two fundamental values – the political sovereignty of states and the individual sovereignty of the people. He goes on and calls it as the "dilemma of humanitarian intervention". Although use of force is permissible under Charter VII of the United Nations, many of those who are the targets of intervention have used the idea of sovereignty for claiming domestic jurisdiction for their genocide acts. After the end of cold war, there has been considerable consciousness among the international community about the gross human right violation but at the same time infringement of territorial integrity has been considered as the challenge to the norm of humanitarian intervention. The recent norm of Responsibility to Protect (R2P) claims that sovereignty cannot be used as a protection from interference but a charge of responsibility where state is responsible for protecting its people from mass human rights violations.

The **third** debate talks about the politics of humanitarian intervention in international politics that has led to contestation of the norm with respect to the international responses to genocide and mass atrocities. The politics of humanitarian intervention comes from the scepticism of defining humanitarian intervention in narrow terms that is in the form of using force. The politics of humanitarian intervention leads to the impasse that who promotes this norm in international politics? This leads to the debate that whether the norm is limited in the sense it is a propaganda tool of the powerful countries to manifest their own interest or is there any shared expectations behind humanitarian intervention (Lu 2007, Bellamy 2015). This has further given rise to the dilemma that whether the developing countries perceive the norm in a similar fashion as their western counterpart or whether these countries consider the norm as a western propaganda to infringe in their sovereign territory. In this regard, Ayoob (2004) suggests that the third world countries are apprehensive of the developing norm of humanitarian intervention since they are the potential threats to sovereign status. The politics of the norm of humanitarian intervention suggests how the norms clash when it comes to the diffusion or the acceptability of the application of the norm of humanitarian intervention in crisis situation. This norm clash based on the power politics brings into limelight the need to understand the domestic diffusion of the norm in the individual countries.

The categorization of these debates necessitates the need to broaden the global-local norm interaction and understand the domestic parameters in greater details. The definitional contestations challenging the ethical and legal motives of the norm, the sovereignty parameter of the norm and the power politics of the countries with respect to the norm of humanitarian intervention are suggestive of the fact that while the countries are in common grounds when it comes to establishment of the norm, there are differences when it comes to actually bringing the norm to practice. Countries tend to alter the meaning of the prevailing norm of humanitarian intervention or the emerging norm of R2P according to their whims and fancies and inhibits the application of the norm on ground as can be seen in the case of Libya (Bellamy 2011). Welsh (2004) points out that the political and practical dilemmas of the international actors necessitate that domestic variables needs an important attention in order to understand the response of a particular actor towards the norm. The uneven consensus among the countries about the norm of humanitarian intervention shows that the study needs to broaden the scope of understanding the global-local axis of norm diffusion and examine the multiple level localization of a norm at the domestic level. This will enable us to formulate the individual country's standpoint towards the norm of humanitarian intervention viz-a-viz the global- local axis. The discrepancies in the approach towards the norm make it clear that studying the international contestations is not sufficient. Hence, the domestic account of countries plays a crucial role when it comes to acceptability or internalization of a norm and also, influences the approach of the country towards the norm. Studying the local factors hence is important to understand why it is difficult to build a common consensus towards a particular norm. A detailed account of these debates is further discussed below:

4.1. *The ethical-legitimacy dilemma of humanitarian intervention*

As highlighted before, the doctrine of humanitarian intervention has made the international community so divisive when it comes to taking an action in humanitarian crisis situation, it is difficult to pin point at one single definition that is appropriate. In fact, what constitutes as an intervention on purely humanitarian grounds has also been debated in international relations. Given this plethora of debates when it comes to defining humanitarian intervention, one can commonly claim humanitarian intervention as "using military force against another state when the chief publicly declared aim of that military action is ending human-rights violations being perpetrated by that state against which it is directed" (Marjanovic, 2011). However, Marjanovic (2011) argues that when we decide the merits of such "ostensibly humanitarian military

interventionism, what needs to be considered is not merely the stated aim of the governments, but the reality of the situation and all likely effects of such action".

This definitional dilemma is related to the ethical-legitimacy criterion which deals with the moral agency along with correct motives and intentions for humanitarian intervention. Pattison (2008) in his article "Legitimacy and Humanitarian Intervention: Who should Intervene?" questions who should undertake interventions. He draws from Allen Buchanan's account of political legitimacy (Buchanan 2002) which claims that the political legitimacy of an entity depends on the agents who attempt to wield political power is morally justified (Pattison 2008: 397). Pattison (2008), further analyses whether the current moral agents of humanitarian intervention such as the UN, regional and sub regional organizations and the states themselves have the morally relevant qualities for legitimate intervention. Kahler (2010) highlights the age-old debate revolving around the legitimacy of humanitarian intervention and discusses how three norms have competed amongst each other in shaping the state practice and normative discourse of humanitarian intervention. He claims these norms to be human rights, peace preservation and sovereignty that rebalanced each other and influenced the contemporary legitimacy of humanitarian intervention. Therefore, he argues that the legitimacy dilemma is entangled with the other factors such as sovereignty.

The ethical legitimacy dilemma has revolved around altruistic motive and outcome of the actors form an important component of a justified humanitarian intervention. A whole range of scholars have provided an insight on the ethical and legitimate dilemmas on humanitarian intervention (Falk 2015, Pattison 2008, Bellamy 2004, Clarke 1999, Tesón 2014 and Rashid 2012, Holzgrefe 2007). These arguments form the core of the 'for and against' debate on humanitarian intervention (Bloomfield 2016). Justification for the use of force in humanitarian crisis becomes morally justifiable if the motives and outcomes have humanitarian considerations (Pattison 2010:154).

On these similar grounds, Seybolt (2017) categorizes humanitarian intervention into three groups: the proponents who favour humanitarian intervention on the basis of legitimacy and the consequences of non-intervention, the opponents who discard humanitarian intervention on the basis of illegitimacy and negative consequences and the skeptics who sympathise with humanitarian intervention to help civilians but are unsure about the methods and consequences of intervention. The ethical-legitimacy debate therefore, constitutes the dilemmas surrounding the reasonable grounds on which humanitarian intervention can be conducted. It puts into

question the moral agencies whether they have the authority for such reasonable interventions. Frowe(2014) explains that the debates on humanitarian intervention focus on two broad debates. The first view considers humanitarian intervention as "morally loaded", so the use of force in a crisis must be legitimate enough to become a humanitarian intervention. This view further claims that military force that fails to fulfil the relevant criteria of permissibility cannot be considered as a legitimate humanitarian intervention (Frowe 2014:96). The second view considers use of force in a crisis as a humanitarian intervention and yet be considered as illegitimate or impermissible (Frowe 2014:96).

These two dimensions therefore, raises the point that on one hand intervention can be ethical and needed to save lives of the victims, but considered to be illegitimate as a practice by the international community. Hence, while intentions and motives have a weightage for a legitimate humanitarian intervention, the primary intention and motive should be a "humanitarian" consideration that is, saving the lives of the victims from the perpetrators in order to balance with morality. Moore (1998a) argues, "many motivations and objectives may lie behind these operations, which in itself immediately raises questions of moral-tradeoffs, but the intent to alleviate humanitarian suffering is prominent".

Parekh (1997) takes a very interesting theoretical stand on the dilemma of the doctrine of humanitarian intervention. Parekh (1997) argues that an intervention can be considered as humanitarian when it satisfies two conditions: firstly, it should be guided by the sentiments of humanity, compassion and fellow feeling. States do have mixed motives but a humanitarian goal which includes the well-being of the other state should play a decisive role. Secondly, humanitarian intervention should address those who have suffered from human rights violation. Parekh (1993, 1997) refuses the statist paradigm of humanitarian intervention. He considers state to be moral agents as legitimate interveners. Wheeler (1997) differs in this viewpoint and points out the problems behind considering state as moral agents for intervention. Parekh (1997) and Wheeler (1997) both engage in the debate of moral agency with regard to humanitarian intervention. Welsh (2004) points out that the most compelling objections to humanitarian intervention come from a pluralist standpoint. He argues that questions about sovereignty as responsibility leads to questions about legitimacy of intervention in a sovereign state on humanitarian grounds and also brings in to the question of who will be the judge or enforcer of the norm (Welsh 2004:67). Nonetheless, he agrees with Shue and Wheeler (2004) that despite ethical and legitimate objections, humanitarian intervention can be legitimized in extreme situation (Welsh 2004:4). In a book edited by Welsh (2004), *Humanitarian*

Intervention and International Relations, the contributors try to understand the politics behind humanitarian intervention by analysing the political motivations behind humanitarian intervention (Welsh 2004:5). The entire debate on legitimacy has revolved around heightened expectation for action (Welsh 2004:2). They also highlight how selectivity in the cases of operation in humanitarian crisis situations has tarnished not only the image of UN as a legitimate organization for intervention but also the image of the West (Welsh 2004:5). He argues that one of the greatest difficulties in legitimizing humanitarian intervention has been the effectiveness of the cases in the 1990's (Welsh 2004: 68). Morris (2004), talks about the problem of loss of legitimacy when there is gross violation of human suffering. He takes the example of the Balkans and suggests that international responses to suffering whose motive is to relieve the human suffering will become unsustainable in conflict situations which involves serious violations of human rights (Morris 2004: 116). Therefore, there is a chance of loss of legitimacy "the longer it continues without effective action to prevent suffering (Morris 2004:116).

4.2. *The sovereignty dilemma of humanitarian intervention*

The sovereignty dilemma forms the core of the debate over the norm of humanitarian intervention as it establishes that humanitarian intervention leads to the erosion of the autonomy of the territorial boundaries of the nation-states. The sovereignty debate challenges the strength of the prevailing norm of humanitarian intervention as it makes it difficult to build up a common consensus when it comes to actually bringing into the norm in practice as it interferes in the non-intervention policy of the other people's territory. Humanitarian intervention has no doubt brought about an alteration in the conception of absolute sovereignty since the time of the emergence of the doctrine and both these two norms of sovereignty share an antagonistic relationship. Shue (2004) argues that humanitarian intervention which puts a limit on how states may treat their own citizens within their own territory has to be effective, states must themselves be limited. He draws philosophical and historical arguments to show that sovereignty is limited and rests on the understanding how rights necessarily imply duties (Shue 2004:4). He also posits the argument that the limit on state sovereignty is governed by the nature of fundamental rights (Shue 2004:4). Parekh (1997) who refuses the statist paradigm of humanitarian intervention argues that humanitarian intervention presupposes statist manner of thinking but at the same time is incompatible with it (Parekh 1997:57). The basic struggle of humanitarian intervention comes from the question of permissibility of the norm as it violates the norm of state sovereignty (Tesón 2011). Since, the end of the cold war period, the

shifting focus on the security of the individuals and the possibility of more usage of legitimate humanitarian intervention contained the seeds of a radical change to the traditional vision of sovereignty. On a similar note, Walling (2015) has spoke about the shifts in the discourse of legitimate humanitarian intervention since the end of the cold war period. Humanitarian intervention discussions were considered as an infringement on sovereignty norms particularly under the domestic principle of non-interference under Article 2.7 of the UN Charter (Walling 2015:384). He argued how the increasing legitimacy of human rights norm has changed the meaning of state sovereignty and the purpose of military force at the United Nations. However, he points out that despite this changed behaviour humanitarian intervention remains selective and rare (Walling 2015: 384). He studied eight cases extensively in the UN agenda during the 1990's and concludes that possibilities of humanitarian intervention occurred when the act of rescue could be justified discursively as complementary to the protection of state sovereignty either by appealing to alternative conceptions of sovereignty (like popular sovereignty or sovereignty as responsibility) or by changing the referent for sovereignty such as state's citizens rather than governing authorities (Walling 2015: 385). Teitel (2009) questions regarding how public power gets legitimized and seeks to find an answer through the article titled "humanized sovereignty" that sovereignty as an "normative ideal that justifies the control of the state over affairs in its own territory has been increasingly relativized" (Teitel 2009: 417). In other words, respect for sovereignty is dependent on the capacity and will of the states to protect humanity and its failure can lead to the "forfeiture" in the rights of sovereignty (Teitel 2009:417).

Therefore, the issue of sovereignty has nevertheless left the international community trapped in the state of quandary. Wheeler (2000) in his book *Saving Strangers: Humanitarian Intervention in International Society* has noted that global humanitarian norms clashes with the established principles of non-intervention and non-use of force. This dilemma leaves state leaders in a paradox: while rescuing citizens provokes the charge of interfering in the internal affairs of the other states, doing nothing leads to accusations of moral indifference (Wheeler 2000: 1). Wheeler (2004) has discussed that both sovereignty and its corollary principle of non-intervention is the dominant legitimizing principle of international politics (Wheeler 2004: 37). But Wheeler makes the point that sovereignty cannot be considered as an inherent right and states who "claim this entitlement must recognize the concomitant responsibilities for the protection of citizens" (Wheeler 2004:37). The norm of "sovereignty as responsibility" has grown over the concept of "sovereignty as authority" which has transformed the massive

violation of human rights from being a matter of domestic jurisdiction to a matter of international concern (Welsh 2004, Wheeler 2004). While Welsh, argues that UN can legitimize authority for international action in case of security threats, Wheeler makes the point that states are unlikely to translate the norm into a codified criterion for an effective humanitarian intervention (Welsh 2004:2, Wheeler 2004:4)

At a Plenary Meeting at the General Assembly held in April 2000, it was discussed that better ways must be found to enforce humanitarian intervention laws and it must be ensured that crimes related to violation of human rights must not remain unpunished (Press Release 2000). In case of clash between the two principles, which might cause a real dilemma, the Security Council have a moral duty to act behalf of the international community (Press Release 2000). It was also discussed that "National Sovereignty offered vital protection to small and weak States, but it should not be a shield for crimes against humanity" (Press Release 2000). The relationship between sovereignty and humanitarian intervention went a major transformation with the concept of "sovereignty as responsibility" which was expressed by the International Commission on Intervention and State Sovereignty (ICISS) in 2001. In the Millennium Report of 2000, the then General Secretary Kofi Annan put forward a challenge to the member states that if humanitarian intervention in cases of gross violation of human rights is an unacceptable assault on sovereignty, then how should the international community deal with the issues of systemic human rights abuses (Millennium Report 2000). No legal principle such as sovereignty can be a guard for crimes against humanity and when peaceful methods has been exhausted the Security Council has the moral duty to act on behalf of the international community (Millennium Report 2000: 48). As a response to this, the expression "responsibility to protect" was first endorsed by the Canadian government in December 2001 which was presented in the report of International Commission on Intervention and State Sovereignty (ICISS). The Commission was formed in response to Kofi Annan's question of intervention for humanitarian purposes and tries to build a broader understanding of the problem of reconciling intervention for humanitarian purposes and sovereignty (ICISS Report, 2001: 2). In the report the norm of Responsibility to Protect (R2P) states that sovereignty not only entitles the state to control the affairs within its territory but also gives the state the responsibility to protect its citizens with its borders (ICISS Report 2001). The emerging norm of R2P states that the international community authorized by the UN has the collective responsibility to intervene militarily when the sovereign government fails to provide security to its citizens (ICISS Report 2001).

4.3. *The politics of humanitarian intervention in international politics*

This segment discusses the power politics of the countries with respect to humanitarian intervention and R2P norms leading to the dilemma about who are the norm makers in international politics and who should intervene. It discusses extensively on how international norms gets diffused with respect to the norm of humanitarian intervention. Pattinson (2010), in his book *Humanitarian Intervention and Responsibility to Protect: Who should intervene?* draws on the empirical question about whether the interveners actually possess the qualities for intervention. Thus, it leads to the contestation of the norm in the sense that to what extent the norm has been considered as a global responsibility equally or is it only driven by the power politics of bigger powers. The question of global responsibility to protect in the international community brings into the limelight about the conflicts between the countries and the role of power politics in implementing the norm. It takes into account the role of the developing countries particularly the emerging powers of the developing world in fostering the norm of humanitarian intervention. It questions what are their positions with respect to the norm: whether they consider the norm significant enough for its diffusion or they discard it considering it a propaganda tool of the western powers to infringe on their sovereignty. If we look into the vast literature and the rival theories that exists, we find that the most of the literature debates the political dynamics of the countries in applying the interventionist norms in realpolitik. If we look into the evolution of the norm in international politics, Amar (2012) discusses that historical oriented works in the literature has identified that there have been three ages of humanitarianism: nineteenth century abolition through the World War-I age of minority protection and ethno-national self-determination; the age of World War-II justice and post-War humanitarian law codifications; and lastly the post Cold war era when military humanitarian intervention proliferated (Amar 2012:4). The literatures discuss how the Western countries have been the torchbearers of the interventionist norms in the post-cold war period and consequently about how the Western powers under the legacy of the UN has used the norm to its advantage. Since the 1990s, it has become popular for the United States and other Western countries to justify new wars on the basis of "humanitarianism" (McMaken 2019). In most of the operations carried out by the West, the motives have remained unclear or mixed which makes most of the scholars argue that these interventions have been based on strategic interests.

Gibb (2000) for example, considers the case of US intervention in Somalia and argues that while altruistic concerns may have some influence on US behaviour, humanitarianism was mixed with national interest. The significant powers of the Global North countries brought with

them an unending series of new wars under garb of the doctrine of liberal peace. While these new wars were labelled as humanitarian intervention, it was actually the resurging of US and European imperialist ambitions (Falk 1996, 1999, Chandler 2004, Amar 2012). Mearsheimer (2014) holds the view that US pursues an interventionist foreign policy as the American security elites believes that every nook and corner of the globe is of great strategic importance to the US and every other country posits a security threat to US. In the pursuit of global domination, the US has interfered in the other countries such as Egypt and Syria (Mearsheimer 2014:10). Adebajo (2016) has argued that great powers have established a system in which they have decided when where and how to intervene. Sotirović(2019) says this Western perception of humanitarian intervention has enabled US to play the "role of global policeman". While the pursuit of humanitarian intervention of the West has brought the ethical, political and sovereignty dilemma at the forefront, the question arises about the role of the developing countries in promoting the norm at the international platform.

Further what we find is that, in the post 9/11 world order and the crises of Libya and Kosovo, there has been a paradigm shift in how humanitarian intervention is perceived. Amar (2012) further argues that although R2P brought about a new type of operation, the first real test of the doctrine since its adoption in 2005 came with the military intervention in Libya. Many observers from the global-south countries have felt that this intervention in Libya resembled the past imperialist ones (Amar 2012:2). The new era brought the emerging countries of the global south such as Brazil, China, India and Russia to the front and they pushed discussions for scrapping of existing system under UN and a new mechanism (Amar 2012: 2). The Kosovo intervention too led to the countries to overcome the problem between the North-South, and have vs. have not division over coercive humanitarian intervention and generate international consensus (Ayoob 2004; Chandler 2004:60). With the new debate of R2P in the forefront, the traditional methods of pursuing humanitarian intervention have become history. But while the R2P debate undertaken in the World Summit of 2005 has given high hopes to the world about the engagement with the norm of humanitarian intervention, it has also faced a rough terrain. Since 2000s although the imperialist dynamics of the humanitarian intervention unleashed since the cold war came to a halt, the R2P norm brought with it new set of challenges therefore making the international consensus on the norm difficult.

Weiss (2006) argues that "plotting the growing consensus about R2P on a graph would thus reflect a steady growth since the early 1990s whereas the operational capacity and the political will to engage in the new humanitarian intervention-like the transformed humanitarian

intervention- would seem to be on a roller coaster". So, while the 2005 consensus saw a zenith of international normative consensus about R2P, the 9/11 blowback, and the Iraq war shows the current nadir in humanitarian intervention (Weiss 2006:743). Jesse Jones (2015) provides a very useful insight in this context in the article titled, *Humanitarian intervention in a Multipolar World* stating the gap between theory and practice. He states that how in a multipolar world order the aspirations of the countries have changed with respect to the norm of humanitarian intervention (Jones 2015: 161). While for the US humanitarian goals have given way to security imperatives in the post-9/11 age, since 2001 and the rise of global instability, the no of candidates for humanitarian intervention has also increased (Jones 2015: 161). However, in 2015 there are still countries who do not talk about humanitarian intervention in cases of conflicts (Jones 2015:161). As a result, he discusses how in a multipolar world order, for humanitarian intervention as a norm to survive, it needs robust coalitions of intervening nations and therefore he highlights the need for "a renewed reservoir of political will on domestic front as well as international relations". Therefore, the responsibility to protect norm (R2P) has also generated similar anxiety and scepticism. Acharya (2013) suggests that greater attention is required for R2P in case of agency and feedback in norm dynamics. He opines those new norms when created does not remain static and uncontested but the application of new norms in new locations and context can lead to their modification and thereby, reshape its initial features and support mechanism (Acharya 2013). Crossley (2017) has argued that if the R2P was no longer controversial then it would have been consolidated as an international norm but the academic debate since 2005 suggests that although R2P has replaced humanitarian intervention, it has remained controversial in world of academe, humanitarian aid sector, religious organizations and states with a colonial past. Given this political debate in the humanitarian intervention, the question arises as to how far the developing countries particularly the emerging powers have implemented the norm or are they just at the receiving end of the spectrum? This further leads to the question whether the emerging power of the developing countries are only the norm takers or are they norm makers as well? Moreover, there is scanty literature on the emerging powers of developing countries and their norm dynamics when it comes to humanitarian intervention. The scanty literature on the developing countries shows the apprehension of the countries towards the norm. Most of the scholars discuss the sensitivity of the non-western countries towards sovereignty and therefore shows hostility towards U.S led interventions for being selective and biased and voiced this viewpoint in platforms such as the UN (Robert 2004). Thakur (2001) in this case points out that the anti-colonial impulse is instilled in the countries' foreign policies and it

survives as a powerful sentiment in the memory of the Asian elites and so a world order where the developing countries are norm takers while the Western countries are norm setters or enforcers is not viable. The non-western states are mainly opponents of intervention and have been sceptical about the moral justifications for intervention and have opposed the reform of legal and political order since the end of cold war as it would undermine their sovereignty and usher in a new age of Western dominated world order (Chandler 2004:60). Ayoob (2004) points out the third world perspective on humanitarian intervention is dependent on the contested questions of what constitutes humanitarian intervention, who authorize it and what are the agencies that implement it at a general level. He also points out that apart from the considerations of sovereignty, the different perspectives of the Asian, African and Latin American countries towards state violence and repression makes it difficult for one single third world perspective on humanitarian intervention and hence, he tries to disaggregate the perspective of humanitarian intervention of the region (Ayoob 2004:104). The Asian countries have remained sceptical about the norm of humanitarian intervention and the new norm of R2P will not help to override the concerns of sovereignty (Acharya 2002:378). Pruitt-Hamm (1994) argues that the humanitarian intervention issues in South Asia is unique in its respect and therefore, keeping in mind the dilemmas of South Asia a regional human rights regime should be formed with greater development and acceptance of non- military forms of intervention. On a similar account Chandler (2004) claims that the kind of interventions favoured by non-western states is not military but economic in nature and the western powers were so much concerned to provide humanitarian protection in form of war that they do not put much effort on the social and economic concerns of Third world. He brings about the debates in the R2P Commission with respect to this concern of the non-military assistance of the non-western countries (Chandler 2004:66). Scholars such as Amar (2012) have been of the view that the recent research agendas on humanitarian intervention have neglected the humanitarian and peacekeeping agency emanating from the global South. The global south actors are seen as recipients of Eurocentric agenda and neglected as agents of innovation (Amar 2012). His work shows different trends about the changing patterns in humanitarian deployment and intervention in the global south countries (Amar 2012). Stefan(2017) also focus on non-western norm shapers such as Brazil and broadens the scope of norm dynamics beyond its common West-centric focus.

 Similarly, Acharya (2007), argues that a debate on peace operations have emerged in South Asia particularly Japan and China, which shows shifting attitude towards the norm of

sovereignty and intervention. But a more favourable attitude towards humanitarian intervention which is the leading frontier for UN peace operations is unlikely to happen in near future (Acharya 2007). Capie (2012) differs from scholars like Amar (2012) and Stefan (2017) and argues that the R2P norm has not got diffused in South Asia. While some states have addressed "sovereignty as responsibility", it has not been institutionalized (Capie 2012). This argument goes in line with Acharya's conviction that there is shifting attitude and more participation, but the emerging powers still have not developed a favourable strategy or attitude towards the norm of humanitarian intervention (Acharya 2007). Stefan (2016), points out that after the Libyan crisis, Brazil proposed R2P to clarify what using force means but then withdrew from norm sponsorship to return to the collective exercise to institutionalise R2P at the UN. Hence, he points out that the non-western countries are agents who carries the potential to address the legitimacy deficit of norms like R2P. Prantl and Nakano (2011) studies the diffusion of the norm in East Asia and argues that going beyond the norm localization, we need to look into the norm diffusion loop and discussed the mechanism that helped to develop the R2P as a soft transnational norm. The broader argument that comes out is that there are different perspectives of the countries when it comes to diffusion of a norm (Ayoob 2004; Acharya 2007,2013). The literature points out that while there is apparent scepticism of the non-Western countries with respect to the norm of humanitarian intervention and recent norm of R2P, they are nevertheless important players in the norm dynamics and contestation of humanitarian intervention. At one hand, a group of scholars discuss the insecurities of the developing countries with regard to infringement of sovereignty by the West and the way they carry out humanitarian intervention and on the other hand, the literature also talks about the agential role of the non- western countries in norm contestation and diffusion. So, while there is apprehension about the norm by the non-western countries and they do not have a common strategy, they are also important stake holders with regard to the norm and their viewpoints are equally crucial. Also, the lack of any common consensus about the norm among the countries at the international platform and the anomalies and debates with respect to the norm suggests that localization of a norm impacting its diffusion takes place at multiple level which needs to be addressed in order to explain the extent of internalization of the norm. In this context while the localization approach tells us about the agency role of the local actors in modifying norm vis-a-vis the domestic politics, we need to broaden the horizon further of the local-global axis by prioritising the domestic and moving beyond the localization approach. Since humanitarian intervention norm is contested and competes with other principled ideas at the international level, it becomes vital to adopt a multiple level analysis and study the interplay of global and local vis-a-vis the

domestic context which shapes the growth of the norm. This also points for a closer analysis of the understanding of the foreign policy objectives of the countries given the different dilemmas and sensitivity with respect to the norm.

Secondly, as a corollary, the application of the policy of humanitarian intervention shows that the different types of countries in the world order-- the powerful countries, the emerging powers and the developing countries--have different approach towards the norm. This often makes it difficult for collective action in humanitarian crisis situation. This suggests that internalization of the norm at an individual country level needs to be explained going beyond the international saliency and the global-local dichotomy. So, the states do not necessarily enjoy a domestic consensus about their rights and responsibilities to intervene in the other country's territory using military action (Hildebrandt et. al 2013). Hildebrandt, Hillebrecht, Holm and Pevehouse (2013) explain the role of partisanship, ideology and public opinion of Congressional support for US intervention for humanitarian purposes. Studying the domestic political dynamics behind humanitarian intervention, they explain how the recent humanitarian missions of the US were carried out with approval from the Congress (Hildebrandt et al, 2013). Similarly Bucher, Engel, Harfenstellar and Dijkstra (2013) talks about the domestic debates by comparing news media of Germany and France to show the foreign policy decisions of the key actors with regard to the military intervention in Libya. It shows the reluctance of the German elites to use military action in such situations (Bucher et. al 2013). Hence, different domestic parameters influence the internalization of a norm. These different parameters play an important role in shaping the consensus of a country in making decision. Similarly in the case of the norm of humanitarian intervention as well, the countries often cannot come to a collective action because their domestic parameters are often not in terms with their international responsibility. Betti (2012) argues that often absence of centralised authority capable of enforcing and providing unambiguous interpretation of norm leaves states particularly great powers to recognise or reject a norm and in specific instances of foreign policy making states take action that cohere with norms while at other times contest them. So, international norms depend on state support for legitimacy and effectiveness of a norm. Betti (2012) compares US and UK attitude towards the norm of humanitarian intervention and how these norms influence their policy making. We can extend this argument with regard to other countries also, such as the emerging powers whose domestic situations too influence the policy making with respect to the norm of humanitarian intervention.

4.4. *Theoretical debates on humanitarian intervention norm*

The international contestation of the norm of humanitarian intervention tells us that the global-local interaction of the norm needs further research. This necessitates that we move beyond the global-local hierarchical channels and focus on how norm diffusion occurs at multiple levels impacting the localization of a norm at each level. The humanitarian intervention scholarship focuses on the different challenges faced by the norm politically and ethically. It also highlights the north-south divide influencing the trajectory of the norm. Although this is important, we need to explain the approach towards the norm at an individual level because it will help us to get the strategic importance of the norm in a particular country and the extent of its actual internalization in a specific context. Scholars have discussed with domestic diffusion of norms but they have put too much stress on the global-local dichotomy and have ended up analysing the responses of the country with respect to the international. Therefore, there is an overarching domination of the international level in this global-local diffusion. However, at a broader level, we need to expand the horizon of research by sufficiently entangling the domestic factors that influence the global-local interaction of the norm dynamics. Paul (2009) points out that "so-called universal norms do not automatically become embedded in different regions of the world and hence commitment to them varies depending on local context". Borrowing from this idea it is therefore essential to look into the local parameters in the domestic domain that shapes the norm. Hence, in short while the literature does address the differences in the domestic factors of the different countries, it needs to further entangle the local factors to have a proper understanding of the diffusion of the norm. The unequal domestic diffusion and the question regarding the position of the non-western countries in the diffusion process suggests that we need to go beyond the global-local hierarchy and focus more how local shapes the diffusion politics and how does the interaction between international and domestic takes place. In other words, it becomes essential to discuss how the local level factors operating at the domestic domain, particularly of the non-western countries, are significant shareholders in the global-local diffusion mechanism. Hence, the uneven consensus at international level and the different debates, projects that norm dynamics at the domestic level needs to be taken care of properly in order to understand the response of the countries particularly the non-western powers. Moreover, we need to have a coherent explanation of how these translate to the policy level of the countries. The scepticism of the non-western powers and yet their shifting attitude towards the norm shows that a further in-depth analysis at the policy level is essential. So, it is essential to have knowledge about how countries perceive the norm and what is the unique position of a norm within a particular domain of a country. The literature suggests that developing countries have been apprehensive about the norm due to sovereignty and moral considerations

but they are at the same time emerging as important players whose viewpoints and approach matters in international politics. So, we analyse the interplay of the global and the local factors that influence their position towards the norm of humanitarian intervention at multiple levels and spheres. Therefore, the case study of India would be taken into account in order to analyse the trajectory of growth of the global norm in India's foreign policy. It focuses primarily upon how the domestic domain respond and shape the norm thereby influencing its implementation in India's foreign policy at the national level. Hence, it helps to understand the complex processes of how the norm operationalize at the domestic level and how the interplay of the global and local takes place.

5. India's Perspective on the Localization of the Norm of Humanitarian Intervention

This section of the chapter deals with how India as an actor of international politics understands the norm of humanitarian intervention. It makes an analysis of the Indian puzzle when it comes to the norm of humanitarian intervention and whether the theory of norm localization is a suitable theory to explain India's approach towards the norm. This section further breaks down the Indian puzzle and forms the base for the subsequent chapters to find an answer to India's unique position towards the norm. The theoretical discourse on domestic diffusion of norms and discourse on the journey of the global norm of humanitarian intervention points out to two crucial factors: First, there has been a lacuna in the localization approach in the literature when it comes to analyzing the specific localization outcomes as discussed by several scholars in the field of research. The variances in localization in a specific context remain under researched which makes it imperative to broaden the scope of research and focus on the domestic and international interplay of norms in greater details, particularly emphasizing how the domestic actors regulates the diffusion journey of a norm. Secondly, there has been a hierarchical diffusion of norm in two ways: one is the apriori faith that international norms being dominant in the global-local interface, there is either somewhat one-way guaranteed diffusion through modification, socialization, translation or there is a outright rejection of the norm at the local level, despite the challenges faced by the norm at the domestic domain. This undermines the research of the potential of the domestic actors and their role in changing the emphasis of a norm, complementary it by supplementary purposes or implementing it in such a way that is partially deviating from the original intention (Eimer, Lütz and Schürenn 2016). This makes it a very top-down process and hence a detailed understanding of the intentions of the domestic actors in shaping normative behaviour is required. Also, the top-down process by making the

global norm dominant, neglects the role of developing countries and the position of the domestic actors in these countries as important mediators in norm diffusion. Instead of being onlookers, in recent times, the domestic actors and the political processes of the developing countries, particularly the emerging powers of the developing countries have started to play a significant role as norm-shapers. Hence, we need to look into a case study like India who is the emerging regional power in South Asia and how it diffuses the norm of humanitarian intervention in its domestic domain. India's fluctuations towards the norm makes it a very interesting case as it put forwards the question as what has been the trajectory of the norm in India's domestic policy? India's policies towards the norm and the role of the domestic political processes and actors in influencing those policies will give us an idea about what has been the evolution process of the norm viz-a-viz the localization process.

In order to study the internalization of the norm in the Indian domain, the study expands the local factors that have influenced the norm diffusion and building in India. This section of the chapter therefore seeks to talk about how India deals with the norm by analyzing the interplay of the global and local discourse of the norm through theoretical arguments. The study therefore moves beyond the hierarchical diffusion process and tends to address the interaction of the global and local i.e. the convergences and divergences of the making and implementation of the norm in the Indian domain. Hence, we use Acharya's model to find an explanation for the India's approach but at the same time we move beyond Acharya and study the entire process related to localization and diffusion of norms at the multiple levels in the India's context so as to test how far this theory is relevant for India. While focusing on the domestic strategies and policies that have influenced India's approach towards the norm of humanitarian intervention, we begin with this question: to what extent has the norm of humanitarian intervention been prioritised as an important policy in the India's context? To find India's strategies that will give us a clear idea about the trajectory of the norm, we look into the different time periods in India's foreign policy history and consider India's standpoint on the norm in these time frames. This domestic evolution of the norm will provide and insight as to what has been India's role in shaping the norm. The policy level analysis will bring into the limelight the contestation and the challenges of the norm at the private sphere. It will also tell us whether India's strategy towards the norm is similar to its western counterpart, and if India's post-colonial identity has shaped its formulation of the norm or whether India has considered the norm significant enough in its policy making that it has overridden the considerations of sovereignty. India's policy fluctuations with respect to the norm suggest that we need to analyse the trajectory of the norm

in India's domain. So, the question arises what have been India's policies before with respect to the norm of humanitarian intervention? What are the shifts in it particularly with regard to the new norm of responsibility to protect (R2P)? Did India have any private worries? Does India have similar private and public opinions with regard to the norm? The theoretical test will help us in finding these answers. Although India's specific localization outcomes through domestic diffusion will be discussed in greater details in the subsequent chapters, we situate our puzzle in the realm of the localization theory and give an overview of the challenges faced by the norm. It gives us a preliminary idea about how India considers the norm in its domestic politics i.e., whether it is just a norm taker or if India has been a norm-shaper influencing the course of the norm in its own specific ways in the domestic domain.

In order to do this, we take some crucial cases from different time frames in order to understand the trajectory of the growth of India's policy : India's humanitarian interventions in 1950s and 1960s under the leadership of Nehru as India's Prime Minister; India's humanitarian intervention in the neighbourhood such as Bangladesh and Sri Lanka during Indira Gandhi and Rajiv Gandhi's leadership respectively; and what has been the domestic influences shaping the norm in the subsequent two decades particularly after the post-cold war period and post-2000s with the recent norm of R2P.

5.1. India and Humanitarian Intervention in the 1950s and 1960s (the Nehru leadership)

The post independent period was marked by a new phase of norm building in India's domain under the aegis of Pandit Nehru. During this period although we cannot coin the term "humanitarian intervention", definitely the seeds for humanitarian considerations could be found among the Indian policy makers. India has been a strong critique of imperialism and a promoter of human rights and world peace. India was a strong advocate for sovereignty and spoke out against any tendency of intrusion in other countries' territory. At the same time India has overridden the considerations of sovereignty when there have been human rights violations. Bhagavan (2013) brings out Gandhi and Nehru's coherent vision of creating a one world within the framework of human rights. In his book, Bhagavan (2013) also points out decolonized India under the leadership of Nehru conceived the significance of human rights and what has been Nehru's imaginations in accomplishing the new global standards of human rights at the United Nations. He further highlights how Nehru and Gandhi's ideas premised on the end of imperialism and how the founding fathers sought to construct a new global infrastructure

around the new innovative revelation of human rights under the United Nations (Bhagavan 2013:1). Bhagavan (2013) also reflects that while India had a faith in United Nations and believed that a unanimous global consensus is required for the development of the human rights, it also understood, post-independence, the problem of concentration of power under the Westphalian model of nation-states in the Cold War period. Hence, India simultaneously needed to carve out its own niche in this new architecture of human rights in its domestic boundaries which would have a meaningful impact on what India wanted to achieve internationally at the UN (Bhagavan 2013:3). Therefore, India under Nehru wanted the powers of nation-states to be checked and was against any sort of injustice even within the borders of any sovereign country (Bhagavan 2013). India addressed all these challenges at the UN in which Vijaya Lakshmi Pandit, Nehru's sister was a pioneer in lobbying for enlargement and prioritization of human rights above anything else. In fact, she played a key role in drafting the Universal Declaration of Human Rights at the UN. Chitalkar and Malone (2015) in this context point to India's shifting positions on global norms. They bring into the light how Vijay Lakshmi Pandit was a strong advocate against the Ghetto Act in South Africa which discriminated against the Indian community and which later took the form of anti-apartheid movement. Virk (2015) also highlights how "the Indian government was the first to place a complaint against the South African government's racial policies on the agenda of the UNGA". Although initially the complaint only addressed the treatment of Indians, post independence, India expanded the anti-apartheid activism with broader commitment to anti-colonialism and Afro-Asian unity, pushing resolutions at UN for decolonization process (Virk 2015:554). Goraya (2013) argued how Nehru voiced against any human rights violations and envisaged a world free of nations where people enjoy their rights without any discrimination. India took an active stance with respect to the norm on the basis of greater common good rather than own national interest and fought firmly against the idea that state can violate human rights under the garb of state sovereignty (Chitalkar and Malone 2015:589). Analysing some of the debates and speeches of that time, for example Vijay Lakshmi Pandit's speech at the United Nations, we find that India stood for human rights at the platform adhering to the Charter and critiqued imperialism and violations of human dignity (Pandit 1946, UNGA).

"India firmly believes that imperialism, political economic or social and in whatever part of the world it may exist and by whosoever it may be established and perpetuated, is totally inconsistent with the objects and purposes of the United Nations, and of its Charter. The sufferings the frustration, the violation of human dignity and the challenge to the world peace, freedom, security that Empire represents must be one of the prime concerns of this parliament of the world's people" (Pandit 1946, UNGA)

Similarly, she claimed that "India is concerned about the use of armed power of member States for purposes other than preventing aggression on behalf of the United Nations" (Pandit 1946, UNGA). In this regard, Nehru's concerns on the Congo crisis seems crucial where he feels that if UN did not resolve the issue carefully then the capacity of the UN to deal with similar issues would be at stake as well (Nehru 1960, Rajya Sabha Debates). He further claims that,

"A number of countries have had their representatives thrown out, a number have withdrawn their contingents in the U.N. Force, and no one quite knows what other developments of this kind may take place later. There is a danger not only of the civil war which is practically taking place in a small way now, of the civil war spreading but of foreign intervention on a bigger scale, because, as things are in the world, if one major Power intervenes, its opposite number on the other side wants to intervene also and comes in to create some kind of balancing intervention". (Nehru 1960, Rajya Sabha Debates)

Therefore, while India was aware of the sovereignty on one hand, the human rights and humanitarian considerations played a crucial role in India's domestic politics which shaped India's international position at the UN. India has been considerate about both sovereignty and humanitarian considerations at the same time leading to a dilemma in India's domestic politics about them both from the very beginning of its nation-building phase in the 1950's and 1960's. However, did India override the considerations of sovereignty completely for humanitarian actions? Scholar such as Choedon (2017) have argued that India has been sensitive to intervention during this period and even its bilateral relationships; it invoked the principle of non-intervention and non-interference. To what extent has India's colonial history, particularly the immediate post-colonial identity (Chacko 2012, Miller 2014, Mohan 2015b) influenced the domestic actors and politics in shaping the norm of humanitarian intervention is significant for to understand in order to perceive how the localization of the norm took place in this period. This pushes us to study all the plausible reasons functioning at the domestic level that influenced the response towards the norm. As it could be seen that operation of multiple factors played a crucial role in the diffusion: the initial phase of nation-building, the Cold War politics, decolonization, Afro-Asian unity that impacted upon the specific localization outcomes of the norm. Thus, a broader explanation of the interplay between the domestic and international factors that influenced the localization outcome of this period would be done in the next chapter.

5.2.India and the Neighbourhood: Bangladesh and Sri Lanka

This section discusses the internalization of the norm in two particular cases which has been significant in international politics as it sheds light upon India's attitude towards the norm of humanitarian intervention. These two cases show the extent of localization process of the norm viz-a-viz the domestic politics and what can we say about the specific localization outcome in the Indian context. In other words, in which direction was the norm headed to in India's policy making will be analysed through these two cases. Scholars have argued that there has been a shift in India's foreign policy post- Nehru era and there has been an attempt to reconcile idealism with realpolitik (Chitalkar and Malone 2015:589). India during Indira Gandhi period, it can be observed from various platforms such as the Rajya Sabha debates of that time how India has been a critique of forceful intervention in other countries and interfering in other people's sovereignty. Time and again India during this period has been a strong critique of Soviet Union for intervening in other people's territory. One such instance has been India's critique of Soviet Union in intervening Czechoslovakia in the 1968.

"...Under that Pact also each of the nation is free to carry on its own affairs as it likes and none of the contracting parties should interfere into the affairs of another natiom ... Sir. we have our dear tie-, with the nation of Czechoslovakia, ties not only of trade and commerce but even before we were free we supported Czechoslovakia in its fight for freedom. I will not recount the events of history…" (Sri Dahyabhai V. Patel, Rajya Sabha Debates, 1968).

This shows how India has been staunchly opposed **to** intervening in other people's territory. However, India did not stop from intervening in liberating Bangladesh. India's intentions behind the intervention have been discussed by several scholars such as Bass (2015) who argue that although India had championed the idea of sovereignty being a post-colonial nation-state, it still had to justify the use of unilateral force against Pakistan's sovereignty after the second partition. Ahluwalia (2013), Cordera (2014), Park (2016) have argued for the presence of real politick motives behind India's intervention in Bangladesh.

Another Rajya Sabha debate during this period of 1971 suggests that India had no other choice but to intervene in the affairs of the East Pakistan due to massive human rights violations conducted by Pakistan on the Bengali population.

"Not only we are concerned with the law and order situation, the bloodshed that is taken place and the suppression that is going on, we are also concerned with the basic human rights that are being trampled upon.... Therefore, we cannot afford to sit as mute witnesses or as mere bystanders to express our mere oral sympathies. For more action is required on the part of the Government here..." (Leader of Opposition, Gurupada Swami, Rajya Sabha debates, 1971).

Hence what we observe is a constant recognition by the domestic actors of human rights violations and taking a stand for it. Yet, India has this constant cautiousness about sovereignty. However, in this phase we do find India overriding the considerations of sovereignty for human rights violations and intervention in humanitarian intervention.

Even during Rajiv Gandhi's time period, India has been a strong advocate of self-determination and freedom. For example, it opposed US's intervention in Nicaragua and also spoke for Nicaragua's freedom and sovereignty in 1986. In the Rajya Sabha debates, the participants made it clear about India's tradition of fighting imperialism.

"We have the tradition of siding with the people of any other country fighting against the imperialists. So, our Government has a role to play at this juncture. And I hope, the Minister of External Affairs, Mr. B.R. Bhagat, who is present, will surely come out with an express support to the Government ef Nicaragua against this US imperialist move to rottk the democracy and the independence of Nicaragua".(Ghosh, Rajya Sabha Debates 1986:309).

However, an account of the debates with regard to the Sri Lankan conflict suggests that how the members of the Rajya Sabha were in a dilemma about intervening in the Tamil-Sinhalese conflict. While some of the participants talked about peaceful solution to the problem through negotiation on one hand (Rajya Sabha debates 1987:336), on the other hand others critiqued the decision stating:

"Mr. Rajiv Gandhi said that we will not interfere in, the internal affairs of Sri Lanka we will not support Eelam. But Sir, this is not an internal matter; it is a universal matter of human righs. When genocide is taking place in Sri Lanka it is not an internal matter of Sri Lanka." (Rajya Sabha debates 1987: 338)

Scholars such as Pethiagoda (2013) argues that India's intervention in Sri Lanka is more than mere strategic interests and Mehta (2011) also argues in similar lines that

"India must balance any thought of democracy promotion against not merely its interests but also its own very real and concrete vulnerabilities- a task that calls for infinite finesse and threatens direct costs if not handled carefully" (Mehta 2011: 104-105).

As we find in Sri Lanka's case how Indian Peacekeeping Forces (IPKF) were pulled out frustrated and embarrassed by the situation. Gunewardene (1991) questions the "invitation" for intervention in Sri Lanka and to what extent the intervention was legitimate or whether it went beyond the stated purpose of settling the ethnic dispute. Kasturi (2017) calls this as India's Vietnam moment comparing it with USA's failed intervention in Vietnam.

These diverse opinions indicate India's humanitarian considerations wrapped with the dilemma of sovereignty. The different accounts of scholars suggest India's motives was being driven by realpolitik, but the debates by the officials suggest the inherent apprehensions and concern among the domestic actors about humanitarian intervention in other's territory. While at one hand humanitarian motives has been an important part of India's foreign policy, where India has been a staunch supporter of the freedom and sovereignty of smaller countries particularly in fighting imperialism, on the other hand often this concern for human rights violation and sovereignty has been mixed with strategic interests. As a result, we find two trends simultaneously existing in India's foreign policy: at one hand, it has been cautious about sovereignty but on the other hand, India has when against the notion of sovereignty or even violated it in the light of the gross human right violations, particularly in the colonies. This is because decolonization and liberation from imperial tendencies has been an important feature of Indi's foreign policy. This reflects India's dilemma with the concept of sovereignty. Although India did not forgo its strategic motives, India did have humanitarian considerations existing in its foreign policy as well. This implies an uneven localization with the norm by the domestic actors.

5.3. India in the 1990s and post- 2000s (R2P norm)

India's foreign policy went through massive transformation in the post-cold war world order. Krause (2016) argues that India became sceptical about the military interventions by the West and was also uncertain about its role in the future world order. Mohan (2015) also argues that Cold war dramatically altered India's external environment which made it examine all the core assumptions of its foreign policy. Post-cold war, India's environment was also affected by the fact that India lost an important ally like Soviet Union which impacted its policies (Krause 2016, Choedon 2017). India like the other developing countries was apprehensive about the humanitarian intervention and India could not take leadership role for the developing countries due to collapse of Soviet Union and it lost its trusted friend (Choedon 2017: 433, Ganguly 2016). Unlike Rajiv Gandhi and Indira Gandhi who had parliamentary majorities, the post-cold war order also saw a shift in India's domestic politics in the form of coalition government. The interplay of the domestic and international factors constantly affected the localization of the norm at different level influencing the internalization of the norm. The global and domestic politics situations made India adopt a very cautious approach in its foreign policy (Choedon 2017). Under these changing dynamics, what shifts did occur in the localization process in the norm of humanitarian intervention in India's foreign policy? Scholar such as Lee and Chan

(2016) bring back the post-colonial argument making an analysis of India and China and the aversion of these countries towards military humanitarian interventions. They argue that although these two countries are emerging as rising powers, they share a common historical trauma and post-colonial identity, the use of force by strong powers against inferior states which has caused them much anxiety and dismay even in the present day (Lee and Chan 2016: 181). Lee and Chan (2016) further make a very crucial point that with rise of China and India (and the emerging powers) norm diffusion does not remain a top-down process anymore. The various cases of their intervention are a product of mutually penetrating norms and interests and it is their interest seeking behaviour that has led to norm contestation with the West (Lee and Chan 2016: 182). Thus, what we observe is scholars assume that India has shifting attitude towards the norm of humanitarian intervention and particularly with the recent nascent norm of R2P (Mohan 2011, Jaganathan and Kurtz 2014, Choedon2017), which makes us curious about the localization of the norm due to the convergences and divergences of the domestic and international norm dynamics.

India's commitment to human rights diplomacy has been less defensive than it was in the 1990s environment, it continues to be reluctant to protect human rights in the rest of the world thereby showing the tension between a tilt towards norm adherence on one hand while being reluctant about it at the same time (Lettinga and Troost 2015:15). India's approach to the recent debate of humanitarian intervention and R2P has also not been smooth. It had equal apprehension towards the new version of humanitarian intervention particularly with Pillar 3 of the R2P norm which talks about using military options for interventions (Ganguly 2016). Jaganathan and Kurtz (2014) and Choedon (2017) both argues about India's engagement with the R2P norm and its shifting dynamics that after the initial acceptance how India has a fallout with the norm due to the Libya crisis. So, scholars have centred their argument on India's shifting position with respect to the R2P norm based on pre-Libyan crisis and post-Libyan crisis. In this regard, Chengappa (2011) writes that New Delhi's stand on the Libya crisis is grounded by rational choice and self-interest. He makes a point that foreign policy is not necessarily consistent but it does tune in with national interests (Chengappa 2011). The stand taken by New Delhi that air attacks on Libya must cease was based on Waltzian realism and cost benefit analysis: protecting the Libyan oil (Chengappa 2011). However, while some opines that it is the strategic interest that has been the driving force of India's shifting stance on R2P, others such as Mohan (2011), Lettinga and Troost (2015), Ganguly (2016) has discussed on similar lines using similar variables like sovereignty, non-interventionism and India's "risk averse" strategic culture for

resisting the nascent norm of R2P. It can be said, that in the Indian scenario, there has been a constant push and pulls between two primary factors: sovereignty and interventionism. Even in this period, we find India's oscillating tendencies on the norm.

This further suggests India's internalization of the norm of humanitarian intervention based on opportunistic sovereignty. Jaganathan and Kurtz (2014) has argued somewhat on similar lines. The questions therefore that follows are: is it the post-colonial identity which has made India sceptic about intervening in other people's sovereignty? Or is it the changing dynamics of the international and domestic that has shaped the localization of the norm over the time period? Given India's emerging power status we need a sufficient analysis of the bottom-up approach of norm localization. The specific localization outcome of India will help us to determine India's actual position towards the norm being an emerging power of the region. The localization challenges and the outcomes will be further discussed significantly using archival materials in subsequent chapters.

6. Conclusion

The overall theoretical discussion on domestic diffusion of norms and humanitarian intervention brings two things into the limelight: One a specific localization outcome in IR has limited amount of study. This entitles us to go back to the literature and broaden our horizon of the domestic diffusion of norms using the localization approach. Secondly, a bottom-up approach is also needed with regard to the developing countries and how their domestic parameters influence norm diffusion. Keeping the diverse literature in mind on norm localization, it can be observed that despite advances in the domestic diffusion of norms and the different approaches to understand the transfer of international norms in domestic domain, the interaction between domestic and international and how they shape the specific localization outcomes particularly in the context of individual countries remain under researched. Also, the international evolutionary dynamics of the humanitarian intervention suggests that the norm has faced challenges when it comes to applicability of the norm in terms of consensus building. The problem of consensus building when it comes to the application of humanitarian intervention in crisis situations suggests that often there is difficulty in getting domestic and international at the same platform. The domestic experiences often prevent the country from taking a stance in crisis situation through humanitarian intervention. Often, the powerful countries have taken the prerogative power to conduct the humanitarian operations according to their whims and fancies. This brings us to another dilemma that is it only a hierarchical

diffusion and the global dominating the local? Are the developing countries, particularly the emerging powers only norm takers?

Both the literature on domestic norm dynamics of the "second wave" (particularly the localization approach) and the international contestations of humanitarian intervention norm suggests that the convergences and divergences vis-a-vis the domestic needs a further thrust. All these points to the fact that a detailed study is needed about the domestic discourse of the norms in a specific context that into specific norm localization outcomes particularly the developing countries by moving beyond hierarchical diffusion. India's fluctuating tendencies with regard to the norm of humanitarian intervention is suggestive of the fact that we need to broaden the horizon of research and explain theoretically how the norm gets diffused in the specific Indian context. So, while we test Acharya's localization theory on one hand to explain to what extent it has been suitable in the Indian scenario, we go beyond Acharya and look into the multiple diffusion processes by explaining the creation and implementation of the norm in India's foreign policy. Hence, we will attempt to understand how India has been a norm maker as well where the domestic politics plays a crucial role in conditioning the internalization of the norm at multiple levels in the domestic domain. So, we study the each of the phases in the Indian scenario starting from the Nehru period to the consensus building with regard to R2P and analyse the trajectory of the norm in each of these phases. India's humanitarian considerations formed a crucial part in India's foreign policy since the very beginning. India's diplomatic history and debates suggests how standing out for the freedom of smaller countries and fighting imperialism has been an essential aspect of India's policy making. While we find some amount of congruence with the norm by the domestic actors, it also projects a tussle with the concept of sovereignty. While India has overridden the idea of sovereignty for the sake of humanitarian interventions and actions, it has also been cautious of its strategic considerations making a mixed record about the norm. It also suggests that with the evolution of India's foreign policy and the interplay of international and domestic factors there has been a change in India's attitude towards the norm in each of the phases. This leads us to analyse how domestic variables impact the congruence building mechanism by domestic actors with respect to the norm of humanitarian intervention challenging the internalization of the norm at multiple levels in each of the phases. A detailed analysis of India's changes towards the norm impacting on its localization outcome will be further discussed in the subsequent chapters.

CHAPTER-3

India and Humanitarian Intervention During The 1950s and The 1960s

1. Introduction

In continuation with the previous theoretical chapter, the study seeks to evaluate the diffusion process of the norm of humanitarian intervention in different time periods in the Indian domestic context. Analyzing the different time periods will guide us to explain how India has perceived the norm in its foreign policy discourse. In other words, the localization dynamics of the norm of humanitarian intervention in different point of time depicts the trajectory of the norm in India's foreign policy. As highlighted earlier, the attitude of a particular country towards a global norm is suggestive of the fact that apart from the literal adaptation of norms, it is essential to the study the local parameters which can influence the internalization of the norm (Eimer, Lütz and Schüren 2016). This chapter studies the convergences and divergences of the global-local diffusion viz-a-viz the local parameters in the 1950s and 1960s in India. Hence, it significantly discusses about the evolution of the norm of humanitarian intervention in India's foreign policy discourse when India was in the initial phase of its national building under the leadership of Pandit Jawaharlal Nehru.

While the concept of humanitarian intervention as a Western phenomenon was practiced in the post-cold war period, the concern for humanitarianism and the dilemmas associated with the idea of interventionism has been an integral part of international politics since the nineteenth century that evoked controversies. Bloomfield (2016) speaks about the existence of the norm of humanitarian intervention at a very nascent stage prior to its blooming in the post-cold war world order. He cites various accounts provided by different scholars in the discipline to show how the norm had relevance before the post-cold war period (Bloomfield 2016:19-21). Along with Bloomfield (2016), other scholars such as Wheeler (2000) and Kingsbury (2012) cited the significance of the norm even during the cold war years. However, this relevance was not so distinctive and was in a much preliminary stage as compared to its widespread practice in the 1990s.

In India's context, its intervention in Bangladesh under Indira Gandhi's tenure in the 1970s has got significant prominence in the debates of humanitarian discussions by Bass (2015), Zakaria (2019). However, it is important to explore the relevance of the norm prior to the 1971 event in the context of India. The necessity to trace the implication of the norm during the 1950s and

1960s is needed in order to understand India's internal considerations about the norm in its foreign policy since the time the country got its independence. Hence, what India's evolving views were about the norm in the post-independent period forms an integral part of the discussion to analyse the journey of the norm in the Indian context. It has implications for what was India's broader viewpoint of humanitarian intervention in this era as it came to be understood in the later decades. India's views on the nascent idea of humanitarian intervention in those two decades were a reflection of two things which influenced the localization process of the norm: first, the world order in which India found itself and its constant interaction with this world order. Second, simultaneously, how India's domestic deliberations shaped and channelized the understanding of the norm. The different aspects of India's foreign policy doctrine have been considered to be a manifestation of Jawaharlal Nehru's principles and scholars have remained divided on India's position in the world order which has been completely driven by Nehru's policies. Therefore, in conjunction with the evolving norm of humanitarian intervention at the international level, the study investigates the evolution of the norm in India's domestic politics in the early years of its nation building.

The initial years of national building in the period of the 1950s and the 1960s coincided with the cold war politics. In this duration of the nation building process which overlapped with the emergent development of the US-Soviet bipolar hostilities, independent India was quite influential in its first two decades of its existence (Bhagavan 2019). This view was also supported by Mohan (2010) and Kalyanaraman (2014). Most of the scholars have argued that India's foreign policy was largely shaped and governed by Nehru's vision and policies. Nehru's internationalism has been their particular point of reference, which formed one of the most crucial pillar of Nehru's foreign policy doctrine (Kalyanaraman 2014: 152). A brief overview of Nehru's understanding of internationalism which is also used interchangeably with universalism at this juncture will help us to understand India's outlook during that time, particularly with regard to the norm of humanitarian intervention. Mohan (2010) and Bhagavan (2013) argue that post-independent India, Nehru ventured into the path of an universalist agenda of world peace and his fabrication of internationalism in this period remained one of the significant essence of his foreign policy agendas. Criticising the existing beliefs that India was quite idealistic in the initial years of independence, owing to Nehru's legacy, Mohan (2010) opines that India played a crucial role in drafting the human rights declaration which reflects an attempt of placing the universal over national. However, most of the narratives does not discuss India's "brief phase of undiluted support to universalism" (Mohan 2010:135). India

during this period was a staunch supporter of universal human rights and expounded on an interventionist approach in the universal declaration of human rights (Bhagavan 2013:19).

When it comes to establishment of human rights of the colonial people, India followed an interventionist approach, particularly its initiatives for the international intervention against apartheid in South Africa and human rights of the migrant labourers (Mohan 2010: 135). But at the same time India was an ardent supporter of sovereignty and it was against the racial and imperialist Western agenda. Vijaya Lakshmi Pandit's speech delivered at the UN significantly heralds India's policy at that point as she appeals to UN General Assembly to support India's independence and freedom from imperialism in all its forms (Pandit, UNGA 1946). On the one hand, Vijaya Lakshmi Pandit who was part of the Indian delegation to the UN advocated clearly that "India firmly believes that imperialism, political economic or social and in whatever part of the world it may exist and by whosoever it may be established and perpetuated, is totally inconsistent with the objects and purposes of the United Nations and the Charter" (Pandit, UNGA 1946:3). While she pointed out that, "India holds that the independence of all the colonial peoples is the vital concern of the freedom-loving peoples everywhere", simultaneously, Pandit also helds the view that "India is concerned about the use of armed power of member States for purposes other than preventing aggression on behalf of United Nations" (Pandit, UNGA 1946:3).

Hence, Indian foreign policymakers in this period seemed to be tormented with respect to how it perceived the concepts of sovereignty and intervention and this dichotomy posited an inherent dilemma and it became an integral part of India's foreign policy dynamics. India carried the baggage of its colonial past and was sceptical of the power-blocs, but at the same time, India paved the way to promote Asian values and took a stand against Western imperialism (Bhagavan 2013 and 2019, Bloomfield 2016). Hence, India's views on the norm of humanitarian intervention in this initial stage can be positioned in the context of the convergences and divergences of the domestic and international with regard to the existing world order at that time which guided the overall localization of the norm under Nehru's leadership at the domestic level. From the perspective of an emerging independent developing nation, while sovereignty was significant and important for India, it did intervene in matters of grave humanitarian violations. This chapter examines how India's concerns for human rights and its struggle against imperialism formed the basis of the articulation of the norm of humanitarian intervention under Nehru's leadership. At this juncture, although the idea of humanitarian intervention as we understood it in the later decades was not there, India did

recognize the universal principles of human dignity and its expression could be seen through the emergent discourse of human rights which was a Nehruvian way to bind the states together (Bhagavan 2019:3). Therefore, like all other aspects of Indian foreign policy in that period, its approach to the basic seeds of the humanitarian intervention norm through human rights of the colonized people, striving for universal world peace, struggle against imperialism has been merged with Nehru's internationalism. Building on this, the chapter thereby proceeds to analyse that there are some of the distinguishable features with respect to India's foothold in the norm of humanitarian intervention during this period that needs a deeper exploration. In this regard, this chapter pinpoints how India operationalized the humanitarian intervention procedures: did it override the concepts of sovereignty when acting on humanitarian considerations and what are the observations that could be derived from India's global-local interaction under Nehru's leadership. Hence, in the 1950s and 1960s although the term humanitarian intervention was not framed as a full-fledged concept, India through its foreign policy decisions acted upon issues of humanitarian concerns. This chapter will discuss in detail the thread of events during this period, which illustrates India's humanitarian considerations. It will highlight to what extent the national behaviour was conducive for comprehensive humanitarian actions. The chapter is divided into seven sections including the introduction and conclusion. The second section provides the historical precedent of humanitarian intervention prior to the cold war period. The third section discusses India's humanitarian considerations in the inter-war period (in the 1930s). The fourth section gives a brief account of world order prevalent in the 1950s and 1960s and in that perspective, explains humanitarian intervention in association with humanitarianism, human rights and decolonization. This enables us to locate India's understanding of the norm in this backdrop. The fifth section elaborates on India's position on humanitarian Intervention in its immediate post-independent decade and highlights some of the crucial aspects based on archival sources and other significant records. The sixth section theoretically tries to justify the localization of the norm in the 1950s and 1960 followed by the conclusion.

2. Historical Precedent of Humanitarian Intervention prior to Cold War period

Scholars are divided when it comes to the genesis of humanitarian intervention and its applicability as a doctrine of international politics in cases of acute human rights violations. Despite the earlier existence of the norm of humanitarian intervention, its preceding orientation largely differed from the full-fledged application of the norm that could be seen in the post-cold war world order leading to questions whether they qualify according to the tenet of

humanitarian intervention. Nevertheless, the historical traces of the norm prior to the post-cold war period played a crucial role in building the norm in international relations. Hence, those previous accounts have to be taken into consideration particularly focusing on the cold war period, which was an important point for the norm with a number of decolonized countries coming into being and playing a significant role in the discussions of human rights. It is only in this context that we can explain India's views of the norm.

In its progression, the nature of the previous versions of norm of humanitarian intervention was considered to be discrete in terms of its rationality and usages as compared to its legitimate practice in post-cold war period. Earlier interventions came under scrutiny because of the contestation regarding the real grounds of intervention under the garb of "humanitarian" intent in another territory. In other words, the concept of humanitarian intervention while remained an eternal feature of international politics, the nature of interventions in each of its stage of progression has been quite different from one another and they have been heavily contested from time to time owing to the tensions encircling the 'veneration' of sovereignty and saving the lives of the strangers; and also abuse in the name of humanitarianism by the intervening state (Heraclides and Dialla 2015). Thus, the concept of interventionism on humanitarian grounds went through different phases and has evolved gradually in the domain of international law and international politics.

Initially, in the nineteenth century, debates around humanitarian intervention got intertwined with the narratives of European humanitarianism rooted in imperialism and were associated with protection of minorities and abolition of slave trade (Klose 2020: 134). Strong connotations to the biased Eurocentric humanitarianism in the preceding interventions have led to a disagreement among the scholars to use it as a historical backdrop to the armed humanitarian intervention in present times. Though the concept of interventionism was very much an international practice, in the nineteenth century it was full of controversies because of bias, selectivity and mixed motives in such interventions (Rodogno 2016). It was one of the motives out of the larger imperial venture of the European state and hence, many scholars have refrained to use the precedent of this 'civilian-barbarian' dichotomy to strengthen the norm in the contemporary context (Heraclides and Dialla 2015:10). Hence, the earlier interventions where not governed by the principles of universal secularism. The drive was under Eurocentric humanitarianism project under the 'civilising mission' which was selective in nature and had mixed intent sometimes reduced the violence against the victims of massacres.

It was only in recent times that scholars have started to discuss the nineteenth century roots of the norm (Holzgrefe 2003, Bass2008, Barnett, 2011, Rodogno 2012, Rodgno 2016, Heraclides and Dialla 2015, Bloomfield 2016, Klose 2020) in the field of international law and international relations. While these scholars addressed the debatable nature of it in the previous decades, they nevertheless explained the significance of earlier interventions as important connecting dot to the overall trajectory of the norm in international politics. So, the earlier experiences of intervention are not full mirror image of the norm that came into existence in the post-cold war period and even in the contemporary R2P debate, these instances are significant linkages in the context of the 'continuities' and 'ruptures' (Rodogno 2016) in the concept of humanitarian intervention and the present day R2P.

Most references have been given to the Renaissance period followed by intervention on humanitarian considerations in the reign of the Ottoman Empire in the earlier periods which was considered to be 'uncivilised' that needed European modernization and the Christian minority had to be selectively protected from their barbarity (Rodogno 2016:30-32). "Nineteenth century humanitarianism was about rescue fellow Christians, about protecting their right to life and about White man's burden and mission civilsatrice" (Rodogno 2016:32). Heraclides and Dialla (2015) writes of the nineteenth century experiences which were 'short of armed interventions' such as the Greek War of independence or the US intervention in Cuba and Peru to Congo or Naples to Russia and also focus on the debates regarding the Renaissance roots of the norm in the earlier periods. Bloomfield (2016:19) has also acknowledged that although substantially humanitarian intervention prior to 1990s were inconsistent with the conventional patterns of IR before the 1990s, similar doctrines were endorsed by a number of scholars in the sixteenth century and cites the examples of Spanish jurist Vitoria, Dutch jurist Grotius and Calvanists in Basel.

Therefore, despite the difference in the framework of the situations they were evoked, the earlier version of humanitarian intervention did carry the essence of the norm which cannot be discredited. The previous interventions remain a significant reference point for understanding the development of the norm of humanitarian intervention. While geopolitical aims were significant but in each of the interventions considered, the rights of the individuals were an issue and hence, humanitarian motives were there even if it was not the most important aspect of the interventions (Trims and Simms 2011:23).

While the term humanitarian intervention was not there in a full scale, the seeds of the norm were an eternal feature of international politics. Even after the norm came being in full practice, in 1990s, and gaining legitimacy in IR in this period, contestations surrounding the motive and outcome of its application remained a key feature of the debate and continued to grapple its application. It was often debated in the post-cold war period in situations when the United Nations become paralysed and there has been abuse in the name of interventionism (Heraclides and Dialla 2015:2). However, as the norm underwent several alterations in its progression, it acquired a new dimension in the post-cold war interventions, under the authorization of UN Security Council. While the proliferation of the norm did not make it fully accepted, and it continued to be contested in the post-cold war environment, but nevertheless, it was considered "more humanitarian in nature or intent of becoming more common, meaning it is atleast arguable that they were motivated by an emerging humanitarian intervention norm" (Bloomfield 2016:23).

While the earlier norm had its roots in Renaissance and Western humanitarianism, it was a global phenomenon. As argued by Barnett (2011), ".... humanitarianism has grown from being a minor movement in isolated parts of the West into a major feature of global social life". Most of literature that exists on the nineteenth century experiences has focused on the Western dimension of humanitarianism. Parallel to this Western humanitarianism, India as an actor of international politics has participated in the earlier humanitarianism movement particularly in the inter- war period in the 1930s.

3. India and the earlier decades of humanitarianism: the inter-war period before independence

Among some of the scholars who have discussed India's role in the humanitarian movement in the 1930s, Framke (2015, 2017) coins India's early participation as political humanitarianism of India in this period when it supported countries like China and Republic of Spain in their battle against fascist aggressors. While India's help was mainly confined to providing assistance and aid to these countries (Framke 2015, 2017), nevertheless it brings out India's larger idea regarding the preceding broader counterpart of humanitarian intervention i.e. humanitarianism. The earlier contributions and incidents emphasize how the norm was built up in the Indian context. India's assistances to different countries against imperialism and its own struggle against imperial Britain for independence points out that the essence of intervention based on humanitarian consideration was very much a part of pre-independent India. The nature of this intervention was different from armed humanitarian intervention as

the concept gained prominence in the 1990s, but India did not hesitate to interfere in the domestic politics of other colonies where gross human rights violations took place under colonial administration. India's actions in the international platform suggest India's interferences in the form of global drive against imperialism by voicing out its opinion and encouraging the other colonies to fight for their rights and freedom from the abusive colonizers. The various opinions, criticisms and assistances that India provided in the context of the anti-imperial and anti-colonial struggles shows India's involvement in the early humanitarian movement in the Asian region. Framke (2017) speaks of this South Asian internationalism in the form of wartime India's humanitarianism. Therefore, the preceding aspect of the norm of humanitarian intervention in the form of humanitarianism was an essential part of pre-independent Indian policy.

The advancement of the norm was intertwined with the precursory humanitarianism which started to develop in the 1930s and became India's guiding light in its endeavour for world peace and non-alignment in the 1950s and 1960s. Hence, India's earlier support to intervention under humanitarian considerations was reflected in the form of showing solidarity, raising opinion to providing assistance that could be positioned in the realm of the global anti-imperialist struggle which emerged in the 1930s world order. In other words, this anti-imperialist standpoint together with Nehru's solidarity for anti-colonial struggles and striving for world peace formed the core ingredients of Nehru's internationalist project which can be seen in the 1950s and 1960s under his leadership. However, underpinnings of this humanitarianism enveloped in internationalism gained a concrete shape in the 1930s. The inter-war period marked a watershed juncture in the Indian context as, it was during this time that the way India conceived the idea of "One World" in later epoch gained momentum (Sidhu 2019:83). The 1930s inter war period ushered in the rise of fascism and imperial tendencies in several parts of the world such as Hitler's coming to power in Germany, Japan's invasion in China in the Asian region and simultaneously, also saw the Great Depression (Louro 2018:182). This environment augmented an internationalist world, embarking the spirit of solidarity among the anti-imperialists and anti-fascists forces (Louro 2018:182). So, India's anti-imperialist internationalism (Nehru 1936; Bhagavan 2013; Louro 2018) was largely influenced by the political conditions of the world order that were shaping up in the inter-war period of the 1930s. But, along with the historical transitions of the world events during this time that largely impacted the understanding of the norm, India's political actors particularly Nehru sculpted the norm according to the domestic political needs of India. Oritz(2019) argues

that in this regard, how India's interventions for anti-imperial movements also suggest the transnational and global dimension of India's own campaign for independence. On a similar ground, Louro (2020) has argued that the history of anti-fascism has revealed the complicated inter-war world order that existed that provided for a fluid transnationalism that linked the continuum of anti-capitalist, anti-imperialist and anti-fascist politics together (Louro 2020). This transnational inter-linkage has connected India's indigenous anti-colonial struggle with the wider world of resistance movement in the 1930s (Louro 2020). The inter-war period saw a peak in the South Asian internationalism with India being the centre of focus of this transnational humanitarianism in the region that enabled India to form international alliances against imperialism in the wider global network of humanitarianism (Framke 2017:1969 and Ruprecht 2018). India through its humanitarian initiatives not only associated itself with the parallel world-wide struggle against the imperial and fascist powers but constantly extended its support to other countries of Asia and others such as Spain, China, Ethiopia and Egypt in their liberation movement and anti-imperialist stance. Therefore, India linked its struggle at home with other similar battles taking place abroad.

While contemporary scholars have addressed how India linked its national anti-imperial resistance with the wider international platform and built up an international humanitarian tradition in the Asian region through its support, Comintern writers operating during that period such from Communist Party of Great Britain (CPGB) have also drawn a parallel between Indian movement and the international struggle against imperial forces throughout the 1930s. CPGB members such as Rajani Palme Dutt and Benjamin Francis Bradley draw a parallel link between the Indian national struggle and other battles across the world in their writings around this time. In their joint venture, thesis for the "Anti- Imperialist People's Front in India", they write of how the anti-imperialist forces are gaining momentum in countries like Egypt where the united mass struggle is putting powerful pressure on British imperialism, in China where popular forces of resistance to partition and national unity gathered around the central core of Soviet China, in Abyssinia where people are fighting for their freedom with arms in hands and driving the foreign invaders along with South America where People's Anti-Imperialist Front has made great advances (Dutt and Bradley 1936). Similarly, in India, the Indian National Congress has played a gigantic role in uniting the wide forces of national people for the national

struggle and is the principle organization to seek national liberation[1] (Dutt and Bradley 1936). Therefore, it is through the Indian National Congress that had the capacity to work for realising the Anti-Imperialist People's Front in India (Dutt and Bradley 1936). The Dutt-Bradley thesis also influenced the National Congress to do away with its sectarianism and follow socialistic path against imperialism as it strengthened the socialist caucus within the National Congress, i.e. the Congress Socialist Party (CSP). The Dutt-Bradley thesis was significant during this period as it highlighted the necessity of the Indian National Congress to form a broader united front against imperialism by making it more inclusive in nature and hence, spoke of the necessity to amend the constitution of the National Congress on the lines of democratic centralism (Dutt and Bradley 1936). In other words, the Dutt-Bradley thesis suggested that the National Congress should modify its constitution, organisation and work of the Congress in order to achieve the "real Anti-Imperialist People's Front" consisting of the collective affiliation of all the other mass organisations as the existing leadership and the tactics of the National Congress was not sufficient enough to build a broader united front (Dutt and Bradley 1936). To achieve this, the left-wing elements within the National Congress i.e. the Congress Socialist Party should play a leadership role to build up the common platform for a united front comprising of the peasants, the workers, and the middle classes "in a single army of national struggle"(Dutt and Bradley 1936; People's Democracy.org 2020). As a result, although the CPGB leaders Dutt and Bradley where mainly involved in collectively organising the working class in India and build up international solidarity with the world order that was coming into view through the victory of democratic and socialist forces over the fascist forces, Dutt and Bradley also influenced Nehru significantly in his pursuit of anti-imperialism (Bose 1975). Nehru's exchanges with Rajani Palme Dutt and Ben Bradley have considerably inspired him in his progressive and socialist direction as early as in 1927 during his days in Brussel with the League Against Imperialism (Bose 1975).

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[1] Rajani Palme Dutt or RPD as he was known in India was leading journalist and theoretician in the Communist Party of Great Britain, wrote extensively about India's national struggle for freedom from British imperialism. His ancestral connection with India made him visit Calcutta and inspire the working class in India by pointing out their decisive role in the national struggle for freedom. Dutt along with another Comrade Benjamin Francis Bradley or popularly known as Ben Bradley, who spent five years in Meerut Prison with other Indian comrades during that time , jointly wrote a thesis known as the Dutt-Bradley thesis which was also known as the Anti-imperialist People's Front in India highlighted about a broader United Front in India against British imperialism. The Dutt-Bradley thesis emphasizes that the Indian National Congress had the potential to become that united front and as a result, spoke of organising the Indian National Congress under the common banner of anti-imperialism thereby uniting with all the other existing mass organisations such as the peasants, the trade union, the youth association and other anti-imperialist organisation to fight the national struggle against British imperialism (Marxist Internet Archive 1936 and People's Democracy 2020)

It has to be taken into account that Nehru's personal experiences during this time and his contact with the other compatriots considerably shaped India's humanitarian position during this time. His constant interaction with the other Comintern leaders while travelling abroad moulded his anti-imperialist viewpoints and also strengthened his opinion about socialism as a solution the problem. Nehru's socialist stance in response to the anti-imperialist world order was visible in a number of his public statements in this period. For example, in a speech addressed in London, he mentions how scientific socialism is the solution for a large number of middle-class intellectuals in India and also for the rest of the world who are battling against imperialism. "This has taken shape in India in the formation of the Congress Socialist group which seems to represents a working alliance between socialism and nationalism" (Nehru 1935:35). Nehru's outlook of socialism formed one of his key principles of his anti-imperialist vision. In a message sent to the Congress Socialist Party for their conference held in Meerut in 1936, Nehru argues how socialism and nationalism has to co-exist together in bringing the political freedom to India (Nehru 1936i:60-61). While Congress represented nationalism and political freedom, socialism represented social freedom (Nehru 1936i:60). A significant number of Nehru's speeches have revolved around the inevitable necessity of socialism during this period (Nehru 1936j: 254-256). Louro (2018) highlights Nehru's forging of relationships with inner circle of comrades of League against imperialism led to commitment to peace and anti-fascism.

Nehru spoke against the shackles of imperialism dominating the world order in a range of his speeches and debates in multiple national and international platforms thereby knitting the seeds of the Asian resistance movement and other world-wide struggle with the Indian domestic movement together throughout the period of 1930s. Among the numerous documentations of Nehru's speeches and texts, few such instances of Nehru's views on anti-imperialism are his speeches based on India and world situation governing during that time in several international places, e.g., during his travel to different places in Europe such as in London (1935:35) and Badenweiler (Nehru 1936d: 52). Nehru's anti-imperial stance gets reflected in his other international discussions as well. For instance, in a talk on the way to peace at Lausanne which was his response to Lloyd George speech regarding the friction between "have" and "have-not" imperialist powers in the House of Commons, as the have-not imperialist countries did not had enough colonies to supply them raw materials and goods (Nehru 1936c: 122). In the opinion of Nehru, Lloyd has completely misplaced the real have-not countries in his discussion

by stating powerful states with colonial powers as have-nots, while the real have-nots are those colonies who are constantly exploited by the imperialist countries (Nehru 1936c:122).

Hence, an interrogation of Nehru's deliberations during this period suggests how he has constantly maintained this anti-imperialistic posture and extended solidarity with all those countries that were fighting for their national liberation against imperialism thereby connecting their struggle against exploitation with that of India. A number of Nehru's speeches at domestic platforms (Nehru 1937a:728) also reveal his viewpoints. In his Presidential addresses to the Indian National Congress for example the one which concluded its session in Lucknow in April 1936, Nehru opined that the Indian National struggle and the world situation is inter-connected and argues that India's problems cannot be isolated from the rest of the world (Nehru 1936b). In a number of his public meetings and address to the Congress Socialist Party such as the ones in Calcutta, Nehru has consistently linked the Indian and the international causes to fight against imperialism (Nehru 1936e: 535; Nehru 1936f: 543). He believed that imperialism does not necessarily mean British imperialism but it has a larger dimension consisting of other kinds as well such as the French imperialism and Japanese imperialism and while they were of similar nature, often they have come into conflict with one another in the competition for raw materials (Nehru 1936f:543). Therefore, the Congress party, under Nehru's Presidential leadership during the inter-war period, condemned the brutality of the imperialist designs of countries like Japan, Italy, France and other powerful colonizers and passed resolutions, expressed its strong anti-imperial considerations by defending the national liberation forces in various countries across the world such as China, Spain, Ethiopia during this period. Similarly, in the Haripura session of the All India National Congress, Nehru writes in the report that imperialism and peace are poles apart from each other and in order to have peace, world should get rid of imperialist forces (Nehru 1938:730). However, in this report, in the context of the Chinese struggles against the intruding Japanese forces, Nehru criticized the despatch of Indian troops by the British to China (Nehru 1938: 754). Nehru believed that while India would be supportive of the Chinese in their struggles against the Japanese forces and whole heartedly sympathise with their cause, but disagreed with respect to sending troops to China as a British ploy to force participation in imperialist wars (Nehru 1938: 754). Hence, he urged Indians to not to encourage such imperialist usage of military power (Nehru 1938:754).

Further, India participated in a number international conference and represented itself in two most significant organizations that developed during the inter-war period, i.e. the British Commonwealth and the League of Nations (Keenleyslide 1983). However, India which was

involved in its national movement tended to attach greater significance to those non-governmental organizations in which the voice of India could be heard such as the League against Imperialism (1927-1930), Anti War Congress of 1932, the World Peace Congress of 1936 and the International Peace Campaign Conference of 1938 (Keenleyside 1983: 281).

Therefore, one of the significant attributes of Nehru's anti-imperialist stance has been the participation in these world conglomerations such as the World Peace Congress held in Brussels. The International Peace Campaign which was formed in 1935 as a reaction to the fascist Italy's invasion in Absyssinia, held its Congress in Brussels 1936 to coordinate the different peace organizations operating at that point of time and also to formulate collective mechanisms through the League of Nations to stop war (documentingdissent.org). India's national movement was represented by V.K Krishna Menon in the World Peace Congress (Nehru 1936k: 578; Louro 2018: 218). While he did not participate in the Peace Congress, Nehru nevertheless spoke of the significance of the Congress in a statement at Allahabad. According to him, the Peace Congress could serve as the platform that would consolidate the forces that stands for peace and progress (Nehru 1936k: 578). He believed that imperialism itself was the "negation of peace" and therefore, that peace could be brought about in the colonies only through the removal of imperialist forces (Nehru 1936l: 576). While the literature on the peace movements and India's involvement in the inter-war period remains scarce, the participation in these international platforms, especially the Peace Congress in the 1936, is significant in the sense that it marked the trajectory of Nehru's journey from anti-imperialism to peace in Nehru's humanitarian project (Louro 2018:220). Nehru through his speeches in voicing his opinion against the imperial and fascists forces made it clear that colonies such as India and China along with other colonies and semi-colonies would struggle against imperialist forces with all their strength despite their subjection and exploitation (Nehru 1936c:123). He extended his sympathy for other countries fighting common battles around the world such as the Arab national movement for liberation against British imperialism, blending the essence of the Arab and the India's struggle for freedom together. India and Palestine both had their national problems and both were fighting a battle against the common oppressor i.e., the British imperialist forces and hence, understanding each other and sympathising with each other was extremely important (Nehru 1936g: 574; Nehru 1936h: 575). Hence, India's growing humanitarianism rested on India's foreign policy of providing support to nation states fighting against colonial oppression and that was based on Nehru's anti-imperialist vision. In this regard, Louro(2020) has argued that in cases of some countries India has not remained confined

to showing only sympathy but have moved and expressed solidarity in terms of sending materials and humanitarian aid for Spain and China in the inter-war period. This would be discussed subsequently in the next section.

So, India's humanitarianism acquired a concrete shape in the 1930s when an anti-imperial struggle was gaining momentum which coincided with India's own demand for independence from imperialist Britain. India championed humanitarianism during the pre-independence period under the Indian National Congress. Nehru was the key political actor operating within the Indian National Congress during this time, who after returning to India after five years of imprisonment and his trip to abroad renewed the campaign to internationalize Indian nationalism (Louro 2018: 183). He emerged as the leader and the propagator of a symbiotic relationship between nationalism and internationalism (Louro 2018:183). It was this interplay between Nehru's internationalist and nationalist projects viz-a-viz his anti-imperialist stance through which we can explain India's early phase of humanitarian considerations in the 1930s. Therefore, while struggling for its own independence, India's localization of the norm was largely influenced by the exchanges with the situation that prevailed in the 1930s, i.e. intermingling and deviation from viz-a-viz world order.

Therefore, two things are vital for India's humanitarianism in this period: First, India's humanitarianism reflected in its support to the worldwide anti-imperial struggles. The vision of world peace along with India's interventionist mindset when it comes to establishing human dignity of the people in other colonies since the 1930s not only signifies India's early engagement with the norm of humanitarian intervention, but also marks how it formed one of the foundations of Nehru's foreign policy of internationalism/universalism in the 1950s and 1960s in post-independent India. The political commitment to internationalism saw its further manifestation in Nehru's worldview even in the 1950s and the 1960s. So, the advent of the earlier version of humanitarian intervention in the form of humanitarianism (similar to Western counterpart) is rooted in this solidarity for global struggle against imperialist forces and establishing independence of the colonies. The strong internationalism made a powerful presence in the period as the anti-imperialists and anti-fascists joined in solidarity throughout the 1930s (Louro 2018: 182). Second, situating in this world order, apart from India's moral endeavour of world peace featuring a support for global-anti imperialist struggle, the localization of the norm also suggests India's own political humanitarianism (Framke 2016) for its domestic consideration of attaining freedom from the British. This can be seen through

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the attempts of the Indian National Congress under the Nehru's leadership to internationalize Indian struggle in the world stage.

Nehru was clearly of the belief that "India is not the only country where the struggle for freedom is on, but Palestine, Syria, Egypt, Java, Indo-China and several other countries are putting up heroic fights for attaining independence" (Nehru 1936a: 265-266). Nehru situated India's condition in the global context as he argued that, "Imperialism is playing the same role in all subject countries and the fight in India has no peculiarity in it" (Nehru 1936a: 265-266). Therefore, India's localization of humanitarianism made a strong presence in the 1930s when India was fighting for its own independence and it overlapped with an environment where other countries too where facing a similar struggle against imperialism. The problem of India was interrelated with the world and India's exploitation by the British was followed by similar form of exploitation in the other colonies by other European powers (Nehru 1936a: 265-266). As a result, it can be suggested that India's humanitarianism is a product of this constant interaction between the domestic and the international parameters in the 1930s. Consequently, Framke (2016) elaborates on a similar note that India's political humanitarianism can be closely linked with nationalist claims for sovereignty from the British rule. At the same time, Indian humanitarianism of supporting anti-imperialist struggle created new openings for international linkages as they were embedded in transnational networks of humanitarianism and left solidarity (Framke 2016:64). Therefore, the localization of humanitarianism in India through its internationalist outlook of creating a peaceful world order devoid of the fascist and imperial forces, also simultaneously shows how India's domestic considerations got internationalised and played a vital role in the humanitarian movement. Thus, to understand the localization of the norm of humanitarian intervention in this period particularly the presence of the seeds of the norm in the Indian context, in the form of earlier version of humanitarianism we need to further elaborate the blend between the Indian issues and the international issues.

3.1. *Blend between National and International Parameters in the 1930s in India's Humanitarianism*

Extending the arguments from the earlier section, it can be claimed that Pandit Nehru's speeches and writings in this period has represented his anti-imperialist standpoint rooted in a special blend of nationalism and socialism as well as his worldview based upon solidarity of anti-colonial struggles across Asia, Africa and anti-capitalism (Louro 2018). A good scrutiny of the enormous records of Nehru's own writings, speeches, letters and that of his fellow comrades like V.K Krishna Menon clearly tells us about India's extended solidarity to other

countries. Given the imperialist and fascist powers gaining momentum, India became a part of the wider global network of humanitarianism in late 1930s and 1940s (Framke 2017). India's humanitarianism grounded in the anti-imperial battle not only suggests India's moral considerations to support humanitarian actions of fighting for human rights and self-determination in other colonies but also showcases how humanitarianism as a medium enabled Indian to internationalize its own domestic considerations. This also suggests that the localization of humanitarianism in Asia particularly in India's context was not a unilateral process. Rather, India emerged as a crucial political player who shaped the norm dynamics at a multifaceted level in the 1930s.

Nehru's concerns for imperialist domination led him to formulate several foreign policy initiatives for India throughout this period which were adopted by the INC in their annual proceedings from 1937 and 1939 (Louro 2018: 214). India under the leadership of INC and its President Nehru adopted a series of resolutions in the inter-war period that reflected the official foreign policy stance of the Congress and also highlighted how these foreign policy resolutions connected India's domestic problems with the international. The 51st Haripura session of the Congress in 1938 amplified the guiding principles of Congress foreign policy as it took concrete stand on co-operation with the peace powers, resistance to British fascist tendencies and opposition to war (Menon 1938a). The principles strongly established the fact that India's foreign policy of the inter-war period was to do away with all forms of international conflicts in order and build up an environment of international cooperation and peace. The Indian Socialist Movement that was led by the Congress Socialist Party in the forefront, at its conference in Lahore in 1938 adopted resolutions on foreign policy which reiterated the principles accepted by Congress and the Indian socialist forces pledged for collective security, resistance to imperialist war and supported the pooling by the peace powers for world security (Menon 1938a). The Congress Socialist Party also declared its admiration and extended support to the national movement in China in its resistance against Japanese aggression, of the Popular Front in Spain and furthered its argument by declaring that the USSR was the only major power that worked towards maintaining world peace (Menon 1938a).

Therefore, this segment will elaborate on these cases where India intervened in the matters of other colonies that were fighting against imperial colonizers and weaved the international and domestic causes together under the guidance of Nehru and his other comrades who emerged as prominent leaders against imperialism around this time. His disposition on the state of affairs that existed in the 1930s resonated with the INC where he served the tenure of the President

twice during this period. Nehru considered INC to be "the voice of India" and it represented the struggles of the Indian masses (Nehru 1935b: 52). Mahatma Gandhi who emerged as the unquestioned leader of the Indian nationalist movement by the 1930s also worked with Nehru for a world order which was free of imperial domination. Bhagavan (2013) in his book has clearly spoken of this quest for one world where he highlights how the two stalwarts worked together for this coherent vision of the new Indian State in the years after the Quit India Movement. Bhagvan(2013) outlines the events that inspired India's pursuit of world peace in the post-independent period particularly with the growth of universal human rights under the institution of UN. India's humanitarianism lies in this domain of striving for world peace and supporting the similar battles for sovereignty by the people in the colonies. While scholars like Manu Bhagavan (2013) have focused how the peacemakers Nehru and Gandhi envisioned this One World in unison others like Brown (2006) and Louro (2018) have also highlighted Nehru's distinguished role in India's formative years. Brown (2006) in his writings argues that the quintessential nationalist, ruler of the inter-war period, Nehru, had a very unique position in Indian politics. This is because of his exposure he acquired being an "outsider" in the political realm of India (Brown 2006: 69-70). This was the result of his experiences with the British Empire, his connection and participation in the web of imperial networks of ideas and connections, and his guidance under Gandhi (Brown 2006: 69).

Although it is extremely difficult to disentangle Nehru from the history of INC and also, Gandhi's principle of non-violence, Louro (2018) makes an attempt to situate Nehru's struggle for global peace in the context of his broader anti-imperialist worldview. Nevertheless, it cannot be denied that Nehru's formulations of anti-imperialist world order formed the basis of Nehru's foreign policy in the inter-war period and the early decades of independent India. Hence, in order to understand what events shaped India's humanitarianism through its manifestation in Nehru's idea of internationalism and world peace in the 1950s and 1960s when he served as the Prime Minister of independent India, one has to trace Nehru's early days when he conducted himself as the President of the INC. In the 1930s, Nehru paved the pathway for India, as the country became one of the staunch advocates of anti-imperial forces at the international platform. Nehru emerged as the significant leader whose actions could be seen at the forefront and his decisions were also backed by other crucial political actors in the INC such as Mahatma Gandhi. For instance, in the context of peace, at a resolution passed by the Congress in 1936, it emphasized that the need for elimination of war was an essential condition for peace to thrive and Congress in this regard, authorized Nehru who was then President of

the National Congress to take the necessary steps on its behalf (Menon 1938a). Simultaneously, Nehru also showcased its full faith in the Congress as an organization, particularly with its socialist wing. He believed that the Congress was the voice of the people against imperialism and it is through the Congress Socialist Party, that the changes in the society could be brought about (Nehru 1935b:52). Therefore, elaborating on this amalgamation of the domestic and international, it can be seen that India became a hub of an international and transnational humanitarianism in the Asian region (Ruprecht2018).

Hence, India's understanding for the preceding norm of humanitarianism like its Western counterpart has to be located in this Nehruvian vision of intervening for solidarity in the global struggle against imperial forces and also parallel to this, striving for India's sovereignty where the country itself is fighting a similar battle. India's solidarity for humanitarian concerns was not a one-way process. The historical discussions projects two important component of India's humanitarianism during this period: *first,* India's humanitarianism had a mix dimension of morality and political requirements in the changing historical milieu of the 1930s. While India's active role 1930s, showcases is valid sentiments for the norm of humanitarian interventions in the form of humanitarian considerations through the support it provided to other countries in their anti-colonial struggle also had the motive of establishing the Indian cause at the global level. *Second*, it suggests that the process of norm localization was not a one-way interaction where the global norm was localized by the domestic actors through congruence-building mechanism but rather it was the result of the two dimensional global and local interactions operating during that point of time viz-a-viz India's political needs. Indian political actors were important players in endorsing the norm at the global platform. Yet, it was the existing world order which had shaped the conditioning of the norm in the Indian locale. As argued by Louro (2020), "Congress duty to unify the masses in resistance to the Government of India was never more urgent locally and globally". The assessment of the global and local conditions by the Indian National Congress has governed the history of the late 1930s (Louro 2020).

The thread of above discussion suggests that India's had been vocal about the sovereign independence of a number of colonies who wanted freedom from the shackles of imperialism. When it comes to providing solidarity with other countries, one of the significant case studies that highlight India's humanitarian considerations during the 1930s is the Spanish Civil War. The Spanish Civil war was considered to be a part of the larger international conflict that was also fought in Abyssinia against Mussolini's forces, China against the Japanese invaders and

also linked with other independence movement in other European colonies such as India (Dasgupta 2016). The Spanish Civil War which started as an internal conflict soon acquired a global dimension as the events had an effect outside the Europe such as in British India (Framke 2016:66). The humanitarian considerations for the other countries helped India to gather experiences for the independence of its own country from the British. Hence, these experiences at the international level had a parallel impact for the inculcations of the seeds of the norm of humanitarian considerations at the domestic level.

Humanitarian help in armed conflicts became an area of engagement for Indian national movement (Framke 2016: 63). The Spanish Civil War highlighted the noteworthy role of the Indian media during this period. The Indian media showed solidarity in terms of criticising the anti-imperialist forces and supporting the Republican side, and on the other hand the media also showcased how Indian people participated in the armed conflict on humanitarian grounds (Framke 2016:66-67). The Indian media dealt with the policy of non-intervention as it questioned the position of the British government in the conflict and also, criticised the decision of Hitler and Mussolini for siding with the imperialist forces in the Spanish War (Framke 2016:66). The different facets of India's reaction to the Spanish Civil war denotes India's progression with the norm of humanitarian intervention in the earlier inter-war period in the form of war-time humanitarianism.

In a resolution passed by the Indian National Congress at Faizpur in 1936, the policy of non-intervention which the British Government adopted was heavily disapproved by the INC as it hampered the Spanish government in their fight against the fascist rebels (Menon 1938). Nehru's message with respect to the Spanish Civil war unveils the presence of seeds of the idea of humanitarian intervention in a very nascent stage. Some of Nehru's messages in the context of the Spanish Civil War substantiate this notion significantly as he criticised the British government for not taking sufficient action in the Spanish war. He highlights the inconsistencies of the British policies and differentiates between the domestic British policy governed by democratic principles while the British foreign policy has reconciled with fascism and that the horror of Spain is the output of its fascist foreign policy (Nehru 1937a:707). Nehru condemned the League of Nations for following a policy of non-intervention and also indicted them for preventing democratic forces from combating fascism (Dasgupta 2016). Nehru criticised the other fascists' regimes in Germany, Italy and Portugal for supporting British policy of non-intervention (Nehru 1937b:710). Nehru persuaded by the necessity to provide active support to Spain which is not simply restricted to "messages of goodwill" (Nehru

1937b:710). Louro (2018) argues how under the guidance of Menon and Nehru, the Indian committee arranged medical and food supplies as Nehru believed that the help to Spain should be more "tangible" than mere solidarity (1937b:710). India not only sent medical aid to Spain but also several Indian countrymen fought in the ranks of International Brigade for the people and Government of Spain (Nehru 1937c:712). India dispatched a similar medical unit to China which was facing a similar aggression from the Japanese forces (Framke 2017:1989). Again, India's help to China was not only limited to sending supplies but it also helped the Chinese by boycotting the Japanese goods (Nehru 1938b:91).

Therefore, the Indian national movement was based on elimination of violence from both national and international affairs (Nehru 1938:751). Nehru amalgamated the domestic with the international as he argued "it has never been easily possible to separate domestic from foreign policy" and therefore, despite its internal struggle for freedom, India has been "compelled by force of circumstances to think of outside affairs and express itself in regard to them" (Nehru 1938c: 744). As a result of this, India was interested in the issues of Ethiopia, protested against foreign aggression against China and sided with Spanish government (Nehru 1938c:744). These instances provide evidence to the fact that how the norm localization with respect to humanitarianism was a product of domestic needs accompanied by moral considerations. India's norm localization through the global-local interface was the by product of the way India globalized its internal struggle against imperial Britain at international platform by connecting with other battles and simultaneously, India's local struggle became the driving factor to support other countries in their battles against imperialism actively. India's humanitarian concerns in the Spanish Civil war, China's battle against Japan and Ethiopia unveils how the seeds of humanitarian intervention already started to gain its foothold. India under British domination despised war and imperialism and hence it wanted a foreign policy that would resort to peace and anti-imperialism and opposed to the foreign policy of imperial British.

4. **The World Order in the 1950s and the 1960s: Humanitarian Intervention in post-Independent India**

In this section of the chapter a brief account of the situations and challenges of the post-independent world order in the 1950s and 1960s will be discussed. This is because India's localization of the interventionist policies with respect to humanitarian crisis situations, particularly its domestic considerations, were largely shaped by the existing world order at that point of time. In other words, how India as an actor of international politics operated on its early humanitarian deliberations was governed by its exchanges with the international settings

of that period. The cold war period marked a critical juncture in the humanitarian intervention debate in international politics and therefore, India's understanding of the norm is largely situated in this context. In the early Cold war period marked by the ideological battle between the US and Soviet Union, parallel issues of human rights concerns and struggle against imperialism particularly by the newly independent nation states could also been seen at the forefront. Therefore, at this juncture, it is essential to explain cold war politics and the debates regarding the humanitarian crisis situations and the dealings of the international community in that period.

4.1. *Decolonization and the norm of humanitarian intervention in the cold war period: Situating India's Localization of the Norm in the 1950s and 1960s*

It is crucial to historicize two factors in order to understand the growth of the humanitarian intervention norm in the cold war period and its association in the Indian context: First, from the previous discussions in the study, it is clear that interventions on the basis of humanitarian protection norm traversed through various phases in international politics. Although, the norm faced challenges and had its limitations in international law (prior to post-cold war period), however, the historical discourse of the humanitarian intervention can be explained through the prism of the overlapping histories of humanitarianism and human rights in the discipline without mixing the two concepts (Klose 2020). The transitional phases of humanitarian intervention signify the fluidity of both the fields and how they converge from time to time (Klose 2020). Hence, the transition of the norm of humanitarian intervention in the cold war period has to be located in the entangled histories of the two concepts.

Second, during the twentieth century, interventions gradually came to be interlinked with the emerging notions of universal human rights (Klose 2020:129). This is because the intervention on humanitarian grounds became an important part of the debate in the international discourse of human rights (Dune and Statuton 2016; Klose 2020). Moreover, in the twentieth century, the developments of the global history of human rights coincided with a number of other events, particularly decolonization, giving rise to a number of debates. With a number of African and Asian states fighting the anti-colonial movement and gaining independence, they played a crucial role in shaping the international human rights politics (Burke 2010; Eckel 2010; Khan 2020; Moses, Duranti and Burke 2020). Hence, as the debates of humanitarian intervention in the twentieth century came to be gradually associated with the emerging universal human rights (Klose 2020), then the transitions of the norm in the cold war period the overlapping history of decolonization also needs to be taken into account. It is in this

intersection of the norm of humanitarian intervention with the histories of other parallel discourses that India's approach towards the norm can be explained in the cold war period. India was a significant actor in decolonization and also in the international human rights politics and therefore, India's advent towards the norm of humanitarian intervention can be located in the corresponding histories of human rights and decolonization process. Before delving into India's role towards localization of the norm in this period through the histories of human rights and decolonization (connecting with the debates of the nascent humanitarian intervention), it is necessary to broaden the first two arguments.

4.1.1. Transitions in the Norm of Humanitarian Intervention

As it was discussed in details that, in the earlier stages while it was disputed whether the interventions could be coined under the umbrella of humanitarian intervention, some of the evidences found by scholars in the discipline showed that it existed in a fragmented nascent stage under the rubric of humanitarianism having an imperial undertone. Dagi(2020) argues that towards the end of the nineteenth century, many Western legal scholars have held the view that humanitarian intervention had existed in customary international law because interventions in other 'barbarous nations' were justified that inflicted violence on its citizens and based on this, major European powers considered that they had the moral and political authority to interfere in the domestic affairs of the other 'uncivilised state' (particularly Ottoman Empire) (Dagi 2020:372). Therefore, the concept of the armed intervention to protect humanitarian norms arose in the course of the nineteenth century but it was not connected with the evolving notion of human rights, but with the common notions of humanity (Klose 2020). This erstwhile nascent phase of humanitarian intervention under the ambit of humanitarianism had a different format in the South Asian region particularly, for India as it was seen in the earlier section.

As the norm of humanitarian intervention went through several historical gradations, the transitions of the norm got entrenched in the entangled histories of human rights and humanitarianism. Critically speaking, humanitarianism and human rights despite being two distinct concepts had their points of convergences. Barnett (2020) makes some important arguments in this regard. He opines that the end of the World War-I and II along with decolonization has brought the two concepts in closer proximity (Barnett 2020:1). The situation further changed in the post-cold war world order when they started to address same spaces and population bounded by humanitarian norms (Barnett 2020:1). Various historical and conceptual boundaries of these concepts' points to the fluctuating relationship between the two: historical enquires detects moments of divergences where both the concepts have acted as

distant cousins having different goals, but simultaneously, they share similar historical origins and developments and therefore, it is vital to look into their relationship and entanglements (Burke 2020). Conceptually, human rights and humanitarianism are often considered to be different from one another, but they are overlapping with one another having a shared discourse and heritage constituting of humanity and cosmopolitan commitment (Barnett 2018). This is in the sense that, humanitarianism and human rights are fundamentally considered to be two different concepts: human rights focus on legal discourse whose purpose is to further human flourishing, and humanitarianism focus on moral sentiments whose purpose is to rescue lives at immediate risk (Barnett 2018). But, despite the difference in their purposes, the boundaries of humanitarianism and human rights are often blurred. This is because human rights concerns such as suffering of people, violations of their rights often are at the essential core of any form of humanitarian action. Humanitarian crises have often exacerbated human rights concerns while on the other hand, human rights situations may increase humanitarian needs of affected people, so, the Office of the UN High Commissioner for Human Rights applies a human rights-based approach to humanitarian action (ohchr.org). Kofi Annan (2000) too emphasizes, "Whether our task centers on advancing development, or emphasizing the importance of preventive action, or intervening even within the boundaries of a state-to stop gross and systematic violations of human rights, the individual has been the focus of our concerns"- this has been enshrined in the Charter of the UN and the Universal Declaration of Human rights.

The entangled historiographies of the two suggests that the seeds of the norm of humanitarian intervention, which was borne out of the nineteenth century humanitarianism practices, needs to be located in this linked relationship between humanitarianism and human rights. The advancement of the norm of humanitarian intervention became part and parcel of the course of historical developments of the entangled histories of both the concepts. While describing the growth of humanitarian intervention within the time frame of human rights and humanitarianism, Klose (2020:129) observes that the theory and practice of humanitarianism which emerged out of nineteenth century humanitarianism acted as historical precedents that formed the building platform for eminent legal scholars and jurists "to transform this practice as an instrument to protect human rights in the twentieth century, thus connecting both the fields in a significant way". So, it was not until the early twentieth century that humanitarian intervention became inscribed in the humanitarian norms in international law. In the twentieth century, the precedents of the nineteenth century humanitarian norms to intervene came to be associated with the debates of universal human rights protection. In the beginning of the

twentieth century, particularly during the inter-war years, prominent scholars of international law such as Mandelstam and Lauterpacht had linked the idea of humanitarian intervention with that of emerging concepts of universal human rights and international organizations (Klose 2020: 139).

Hence, the norm of humanitarian intervention proceeded gradually in international politics. Since the beginning of the twentieth century, it came to be associated with the internationalist rights discourse and emerging body of human rights. The historiography of the norm in the nineteenth and twentieth century also points out that the transitions of humanitarian intervention were not a smooth one but rather a contested one. Scholars have consistently debated regarding the earlier patterns of humanitarian intervention which had its roots in the entangled humanitarianism and human rights doctrines (due to the imperialist dimension of Western humanitarianism in the nineteenth century leading to civilised/barbaric dichotomy). In this regard, Bloomfield (2016:20) has argued that in the nineteenth century only a minority of international jurists considered humanitarian intervention as acceptable, but by the twentieth century the civilised/barbaric distinction began to break down and humanitarian intervention made its way in the field of human rights. Mandelstam and Graham moved away from the civilised/uncivilised dichotomy and linked humanitarian intervention directly with an international organization such as League of Nation and universal human rights (Klose 2020:135). But although humanitarian intervention gained prominence and was associated with the emerging human rights discourse, it nevertheless faced rigorous challenge in being recognised as a component of international law (Bloomfield 2016:20). Though the norm of humanitarian intervention became a topic of discussion in the international agenda, the prospects and scope of the norm remained limited. The hope of the scholars and practitioners of international law such as Graham and Mandelstam that the League of Nations would be the "new international authority for humanitarian intervention" did not succeed because of absence of the robust mechanism. Similarly, Lauterpatch's hope that UN would form the basis of humanitarian intervention, if necessary, even though coercive mechanisms for an effective human rights regime also remained unfulfilled in the emerging cold war environment and decolonization period.

So, though the norm carved out its niche in international politics through the humanitarianism and human rights discourse, there were contestations and debates surrounding the usage of the norm. Hence, summing up these various arguments, it can be said that the norm of humanitarian intervention prior to the 1990s existed in a broader format and went through several twists and

turns to become an established full-fledged norm in international law and politics. The developments and challenges faced by the norm of humanitarian intervention can be located in this enmeshed humanitarianism and human rights history that showcases the overall trajectory of its advancement. But while the recognition of the norm was confined within the domains of the overlapping historical narrative of human rights and humanitarianism, it was in the 1990s with the end of the cold war, that there was a boom in the field of humanitarian intervention both as a concept in international law and its widespread usage. Its association with the international human rights was seen in a new direction. There was an expansion of internal conflicts and humanitarian emergencies that led human rights ascendant include the armed conflict and embrace a "right based framework" (Barnett 2020:1). Matters of human rights violation within the domestic jurisdiction became issue of international concern and UN could authorize international action in the cases of such security threats (Welsh 2004:2). However, though humanitarian intervention became more permissive in the 1990s, at the heart of the humanitarian intervention debate was the conflict between state sovereignty (endorsed by UN and international law) and evolving international norms related to human rights and use of force which continued to thrive-so it remained a contested norm in international relations (Welsh 2004:2). So, this segment highlighted the norm's transitions regarding how it gained its prominence amongst the international community over the decades – from cold war to the post-cold war period. The next sections would enlighten upon the relevance of the norm in the cold war years in details.

4.1.2. Decolonization and Humanitarian Intervention in Cold war period: The Role of the New Independent countries in Human Rights politics

This historical backdrop of the evolution of the norm brings us to the question of how the norm transitioned during the phase of the cold war years. Broadening on the areas of convergences and challenges faced by humanitarian intervention in its association with the emerging field of human rights in the twentieth century will enable us to understand the position of the norm in the twentieth century cold war world order. Historically, in this phase the concept of humanitarian intervention continued to hold a broader perspective, juggling within the boundaries of the emerging universal human rights.

The term 'humanitarian intervention' as conceived in the 1990s (i.e. the armed humanitarian intervention under UN) was still not comprehended in the cold war decade, this phase of cold war world order was a vital moment for the norm of humanitarian intervention as it exhibited

some of the most discernable developments in its trajectory in international politics. Yet, scholars like Klose (2020) who have argued that the debates of humanitarian intervention although were constituted in the discussions in the universal human rights regime by the various scholars of international law (particularly Lauterpatch who had hopes in the system of UN to link human rights and humanitarian intervention) in the twentieth century, but it nevertheless faced a setback in the cold war period. The humanitarian intervention became an significant part of the conversations at the international platform, but the inextricable attempts to link it with the emerging body of human rights met challenges dues to the decolonization and East-West conflict hindering its development (Klose 2020: 137). Moreover, under the UN Charter, individual states receded to the non-intervention clause and rejected humanitarian intervention for the causes of universal human rights (Klose 2020: 137 and Bloomfield 2016). Bloomfield (2016) in this regard points out that the newly independent ex-colonies were very weak as compared to their colonial masters and therefore they exhibited the negative sovereignty, in other words, following the principle of non-intervention. So, prohibition of use of force due to sovereignty considerations acted as the reason for contention in humanitarian intervention debate in the cold war period specifically for the newly independent countries. So, conflict with sovereignty which forms the core of the humanitarian intervention debate did not emerge suddenly in the post-cold war period but can be sourced back to the cold war decade (Dunne and Staunton 2016).

However, while the resort to non-intervention by individual states was one side of the picture, the complicated history of the cold war decades speaks of manifold narratives of the humanitarian intervention debate. Dunne and Staunton (2016), has negated the fact that there was a sharp distinction between cold war and post-cold war phase of evolution of humanitarian norms. Though the humanitarian intervention norm within the debates of international law had weaknesses, it took a concrete shape in the cold war order embedded in the history of human rights. Limiting the developments in the norm in terms of law, there has been a negligence in the understanding of how social norms of protection evolved (Dunne Staunton 2016).

As it can be observed that the cold war decade actually saw advancement in the global history of the human rights movement as it witnessed some of the landmark events in the UN with majority of the state actors adopting the Universal Declaration of Human Rights (UDHR) in 1948 at the UN General Assembly. Eckel (2010) argues that since the 1940s, the language of human rights gained a foothold in international relations as international human rights regimes such as the UN and the Council of Europe with their symbolic rights declarations and their

monitoring committees were established in this time frame. Also, Dunne and Staunton (2016) emphasize the importance of Genocide Convention which was framed around this time as a "milestone in the evolution of the human protection regime". While acknowledging the limitation of the Convention in terms of absence of provision to intervene to prevent genocide occurring beyond its own borders, the formation of the Genocide Convention in 1948 was noteworthy in the context of internalization of human rights in the Cold war period (Dunne and Staunton 2016).

Further, amid this 'non-intervention' criterion to which most of the states resorted, many of the cold war experiences were often considered to be valid cases of humanitarian intervention. Scholars such as Wheeler (2000) discuss the humanitarian interventions that took place during the cold war period, giving attention to India's intervention in East Pakistan in 1971, Vietnam's overthrow of Cambodia's Pot Pot regime in 1979 and Tanzania's intervention in Uganda in 1979. Similar cases are also considered to be valid examples of humanitarian intervention by Dunne and Staunton (2016).

Wheeler (2000) found that though not primarily being driven by humanitarian principles, all these cases were valid cases of humanitarian intervention because humanitarian outcomes were achieved. So, these were all cases of unilateral interventions which had humanitarian effects (Dunne and Staunton 2016). However, these unilateral actions spurred international criticisms and resistance from other states (Wheeler 2000; Dunne and Staunton 2016). Hence, though universal human rights gained momentum in the early period of the cold war (1940s and 1950s) and efforts were made in form of legal treaties to prevent human rights violation under UN, coercive intervention in the territorial sovereignty of another country was treated as an alien concept. As a result, some of these celebrated unilateral humanitarian interventions were criticised by the international community. As both Bloomfield (2016) and Dunne and Staunton (2016) argue that in the 'order versus justice' dispute, the predominance of order was clear as it was believed that intervention was iniquitous even if it is motivated by humanitarian efforts. Therefore, two things can be drawn: *firstly,* in terms of legal order, the "use of force" was only applicable under two conditions: self-defence (Article 51) and maintaining and restoration of international peace and security (Article 42). Although under Article 55(c), UN had the responsibility to promote and respect human rights it was not linked with 'use of force' under Article 42 (Bloomfield 2016:20). Hence, protection of human rights, was only linked with codification and enforcement of certain treaties. It was only in post-cold war period that there was an expansion in the definition of what constituted as a 'threat to international peace and

security' and human rights violations even within domestic jurisdiction was considered as an international threat thereby UN legitimately authorized international action to address such security threats (Welsh 2004:2). So, humanitarian intervention was included in the "rights-based framework" only in the post-1990s. While interventions did take place, they generated international debates as coercive interventions were considered to be prohibited.

Secondly, while upholding human rights was considered important and, in the attempts to codify human rights, it was believed that sovereignty was not absolute, but it was nevertheless not associated with intervention by "use of force" in cases of human rights violations. As Bhagavan (2019) points out, in this period, human rights were premised on the notion that state sovereignty was not absolute and the international community had the authority to intervene in domestic affairs of the state if they did not live up to their obligations to their people. However, the nature of intervention was limited in nature. Hence, while sovereignty was not treated as sacrosanct entity, the degree of intervention was definitely a matter of conflict in the international community, as intervention in terms of "use of force" was considered to be prohibited in the international order.

These contradictory visions were prevalent but it cannot lead to the denial of the fact that states were involved in interventions having humanitarian effects, though the numbers were restricted. Therefore, in terms of legal execution, the norm did face constrains. However, the discussions revolving around the norm of humanitarian intervention and some of the countable unilateral usage of the norm pointed out that there were significant attempts to consistently associate humanitarian intervention with the emerging human rights field did exist. Klose (2020) argues that the discussions on humanitarian intervention never receded from the international platform and despite the legal limitations, the discussions on humanitarian intervention intensified during this phase. Therefore, prominent scholars of international law continue to address the central question of whether forcible intervention in the domestic affair of another sovereign state could be permitted in international law and could be carried out under the UN framework (Klose 2020: 138). This discussion which dominated the centre stage points out the "consolidation of norms regarding state responsibilities that occurred during the Cold War" (Dunne and Staunton: 2016). In the cold war period, the notion of humanitarian intervention was promoted by few academicians of international law and also, deployed by the states occasionally (Dunne and Staunton 2016, Bloomfield 2016). It was through the contradictions that the norm actually acquired a dominant position in the human rights discourse leading to significant norm consolidation in the cold war period.

Further, during the cold war period, decolonization and the evolution of international human rights went hand in hand. The decolonization period shaped the global human rights politics. A growing body of literature in the recent scholarship has addressed the role of the newly independent countries of the third world in the cold war human rights discourse (Burke 2010; Bhagavan 2010; Acharya 2014; Dunne and Staunton 2016; Moses, Duranti and Burke 2020, Ibhawoh 2020, Davey 2020). This literature brings into the limelight the agential role of the decolonized state actors in influencing the norm dynamics of human rights.

Humanitarian intervention along with its debates revolving around issues of sovereignty and non-intervention, constituted as a crucial element in the human rights history in the cold war period. As a result of non-intervention and prioritization of sovereignty, there was considerable ambiguity that loomed around how the decolonized countries shaped the human rights discourse. Moreover, in the efforts to codify human rights the rift between East and West became "readily apparent" as to what constituted as human rights (Bhagavan 2019:3). This East-West conflict was considered to be a hindrance in the human rights framework under the UN. However, while the East and the West differed in their visions about human rights, this 'rights prioritization' (Ibhawoh 2020) projects how the new decolonized countries shaped the human rights agenda in the UN. The tension between the Western and non-Western powers which prevailed in the UN pointed to the debates that unfolded regarding the interpretation of human rights doctrine and the countries of Asia and Africa undergoing the decolonization processes were essential stakeholders of the debate. As Burke (2010) points out, that the newly independent countries of third world had "shaped the two most authoritative instruments of the human rights law, the International Covenants". The political actors of these newly decolonized countries played a decisive role in the international human rights politics at the UN through their participation (Burke 2010:2). The language of human rights provided them a platform to voice their struggle against colonialism. For these newly independent countries therefore, human rights became expression of progressive, emancipatory ideals and even an important basis for furthering independence and freedom (Burke 2010, Eckel 2010, Burke, Duranti and Moses 2020). The anti-colonial forces of the countries which were either going through decolonization process or became newly independent mobilised the language of human rights for their collective rights of self-determination which challenged the Western demands for individual rights in the UN. As opposed to the Western demands for individual centred civil and political rights, the non-Western countries pushed for the collective rights of the people to self-determination, which was affirmed under the economic, social and cultural rights

(Bhagavan 2019: 3; Moses, Duranti and Burke 2020: 6-7; Ibhawoh 2020). The 'non-Western' countries of Asia and Africa emerged as strong contenders of self-determination as "living under colonial domination shaped their interpretations of human rights" (Ibhawoh 2020:35). Self-determination not only implied political independence but also the ability of the people to choose their paths of economic and social development (Ibhawoh 2020: 35).

This bridge between the West and the Eastern countries with regard to their respective interpretation of human rights has been a major source of contention. Most of the narratives have either discredited the role of the anti-colonial movement in the human rights historiography or believed that the anti-colonial mobilization of self-determination have marginalized the goals of universal human rights. Scholars such as Eckel (2010) have argued that in their demands for self-determination, "human rights has been used a sporadic strategy of legitimising struggle against colonialism". He further argues that, the activists of these African and Asian countries while basing their claims on human rights, appropriated it only for specific anti-colonial policies and not commitment to any universal human rights norm (Eckel 2010: 113). Moreover, the usage of human rights language also remained marginal as they it was used to condemn the repressive practices in the colonies and not specifically linked to human rights violations (Eckel 2010: 145). However, this vision neglects the fact that how the Asian and African countries which were undergoing through the decolonization process, emerged as crucial advocates of international human rights in the early years of cold war. It reflected how "human rights and anti-colonial emancipation were a commingled freedom struggle in the 1940s and 1950s" (Burke, Duranti and Moses 2020:20). It also suggests that they were not passive recipients of the international human rights project and that their engagement played a decisive role in the debates and discussions in drafting of the United Nations Declaration on Human Rights (Waltz 2013). Their demand for collective rights of self-determination as a fundamental human right was an attempt for an alternative human rights order that was a product of their colonial struggles (Ibhawoh 2020:36). Through this process, the delegates of the African and Asian countries rather diversified the meanings of international human rights discourse by exploring the emancipation effects. Therefore, human rights became an aspect of the 'anti-imperial' and post-colonial phraseology because of its versatility as a language with all-purpose emancipatory potential (Burke, Duranti and Moses 2020: 6).

The African and Asian countries were not anti-thetical to the idea of "universal" human rights agenda but definitely questioned the Western notion of what "universal" stood for in human rights. It would be wrong to claim that their attempts marginalized the goals of human rights,

but rather their alternative interpretation of giving primacy to self-determination attached variation to the Western dominated "universal" in terms of civil and individual liberties. This exclusive Eurocentric authority of what constitute as 'universal human rights' dismisses the genealogy of the decolonized countries in the human rights history (Barreto 2013:6; Moses, Duranti and Burke 2020).

The debate surrounding sovereignty and non-intervention has to be linked with this relationship between anti-colonial movements and human rights history. Simpson (2018) correctly points out human rights historians have mistaken in their arguments that anti colonial movements have used human rights for their instrumental goals such as self-determination and have reduced the principle to statehood and perpetual non-intervention. This is an oversimplified viewpoint as it does not consider the multiple ways in which the agency of Global South has used self-determination to envision sovereignty and human rights in decolonization period (Simpson 2018:418). With the decolonization movement gaining momentum, the Asian and African countries committed to both sovereignty and human rights and simultaneously promoted and adopted both (Dunne and Staunton 2016). Through the lens of norm dynamics, it implies that the actors of the non-Western countries were also significant participants in the norm diffusion and localization processes in the intersecting histories of human rights and humanitarian intervention. While non-intervention was a crucial point which they resorted to, it only projects a very one-sided approach. In this regard, Acharya's (2014) viewpoint is important as he mentions the agential role of the non-Western countries as considerable norm makers and explores their role in the variations in norm diffusion and localization. Questioning the Global North-South divide, Acharya(2014) argues that this it is wrong to consider the former to be champion of human rights while the later to be the champions of non-intervention. Using the example of Bandung Conference, he argues that there was no contradiction between human rights and non-intervention (Acharya 2014: 407). Rather, the non-Western participants at the Bandung conference were pro-human rights and pro-universalism as they did not see any contradiction between human rights and sovereignty (Acharya 2014: 408). Therefore, Western assumptions that the decolonized countries have undermined universal norms of human rights are not a correct position (Acharya 2014: 409).

4.1.3 Locating India's Intervention on Issues of Humanitarian Consideration: Contributions to Decolonization and Human Rights Discourse

The cold war period essentially set the stage for humanitarian considerations whose further materialization could be seen in the later decade in international politics. The conjoined histories of humanitarianism, human rights and humanitarian intervention is noteworthy as it is in this evolving entangled background literature, that India's dynamics with the norm of humanitarian intervention can be positioned in its earlier decades after independence. During the period of 1940s-1960s, the international order was largely in transition with a multiplicity of events occurring simultaneously. Although not a fully developed concept, debates associated with intervention for humanitarian purposes, particularly its conflict with sovereignty paved its way in the field of human rights hinting at consolidation of the norm of humanitarian intervention in the cold war period. In these discussions, the countries going through the decolonization process became significant stake holders through their alternative visions of what 'human rights' stood as they connected their local anti-colonial struggles with the global dynamics. Their participation showcased their deliberations regarding the various ways they envisaged commitments to both 'non-intervention' and human rights as they became the flag bearers of self-determination. From the point of view of Dunne and Staunton (2016), human rights became an integral part of the decolonization struggles that occurred at the end of the empire and were consistently conjoined with the right to sovereignty and non-intervention. Therefore, decolonization struggle became an important aspect of the various debates surrounding the intertwined histories of human rights and humanitarian intervention in the cold war. From the norm localization framework, this points out towards the agency role of the decolonized countries in the global-local norm dynamics. The standpoints taken by the decolonized countries imply that they are not simply at the receiving end of the spectrum. Rather, their proactive role in the UN indicates how their local contexts played an active role in the decision making of the International Covenants. Hence, their local contexts gave a new meaning in the creation and implementation of the human rights and humanitarian intervention discourses. As Acharya (2014) puts it, that at the Bandung Conference, non-Western countries were norm makers in the post-war global security architecture as they promoted anti-colonialism, self-determination, human rights and non-intervention. Their contribution to the 'alternative' human rights was not anti-universalist as the countries did not invoke non-intervention as facade to justify domestic human rights abuses Acharya(2014: 415). The stance of these decolonized countries explains how the evolving norm of humanitarian intervention got consolidated and was inter-linked with the human rights politics in the cold war.

The role played by the decolonized countries in the debates revolving around evolving humanitarian intervention norm in the cold war period intersecting with the boundaries human rights politics at the international platforms such as UN (interlinking the both fields); the question arises as to how India's localization of the norm of humanitarian intervention and dilemmas associated with sovereignty can be addressed. Given that the norm humanitarian of intervention did not gained complete legitimacy, but the traces of the debates surrounding the norm broadly existed in the cold war period and coincided with the human rights politics, how did Indian actors perceive the norm in the early cold war period? It needs to be analysed what has been specific localization outcome in the Indian context depending on the global-local interface. In the light of these overlapping discussions of the norm in the human rights field, it could be seen that India did voiced out its opinion and intervened against any form of oppression and protected human rights in 1950s and 1960s.

India in the inter-war period made some crucial contributions with respect to humanitarianism by extending solidarity and support to other countries facing the brutality of imperialism. Similarly, in the cold war period, in its early decade, India emerged as a key player in the cold war period human rights politics and decolonization. As argued by Bhagavan (2019), India's delegation at the UN led by Nehru's sister, Madam Vijaya Lakshmi Pandit condemned imperialism and colonialism and was an ardent supporter of human rights. Pandit (1946) while speaking at the UN platform in the mentions that "United Nations to give to the exploited millions of the world faith and hope and the promise that their liberation is at hand".

Abolition of colonialism and racial discrimination were some of the primary objectives of India's foreign policy (Nehru files, 36). These are essential for maintaining peace and stability and therefore, India intervened and supported a number of countries who are fighting their national liberation battle. Vijaya Lakshmi Pandit speaking in 1946 at the UNGA expresses these views clearly:

> "India has announced the outlines of an independent foreign policy, We believe that peace and freedom are indivisible and the denial of freedom anywhere must lead to conflict and war. We repudiate utterly the Nazi doctrine of racialism wheresoever and in whatever form it maybe practised" (Pandit, 1946).

Whereas Vijaya Lakshmi Pandit has stated these views about India's foreign policy at the international platforms such as UN, Indian Prime Minister Jawaharlal Nehru too have explicitly

expressed that "peace can come only when nations are free and also when human beings everywhere have freedom and security and opportunity" (Nehru 1947: 251).

Apart from taking an anti-colonial stand at the UN, India preferred to play the role of global peacemaker as it was India's efforts that settled the West vs. East debate on right prioritization. India categorized the two set of rights as negative rights (political and civil rights) and positive rights (social, economic and cultural rights) and it was India's path breaking efforts that led to the inclusion of both set of demands in the UN human rights declaration (Bhagavan 2019:4). India's peacemaker efforts were not limited to framing of the covenants at the UN, but it intervened in a number of international crises during this period. As Sidhu (2019) reveals, India shaped UN peacekeeping and provided leadership in peacekeeping operations during the Cold War period. India's peacekeeping commitments during the post-independent decade unpack its active interactions with the international order.

The main aspect of India's foreign policy has been its efforts to maintain a peaceful world order. Nehru termed it, "the positive aspect of peace" (Nehru1958: 80). He considered the other aspects of this peace were enlargement of freedom in the world, replacement of colonialism by independent nations and degree of cooperation among nations (Nehru 1958:80). India consistently interacted with the existing world order and Indian domestic elites under the leadership of Nehru consistently merged India's local "national aspirations and anti-imperialist struggle" with the other global "international similar anti- imperialist struggles" through his outlook of universalism/internationalism. Nehru's universalism rested on the idea of the 'one world' (Bhagavan 2010; 2013). This global-local interaction via Nehru's internationalist approach which was the driving factor for Nehru's attainment of World Peace impacted independent India's foreign policy and became one of its guiding principles in the 1950s and 1960s. Nehru concluded that Western imperialism was the reason behind international conflicts and believed that such conflicts can be resolved by promotion of Asian values (Bloomfiled 2016: 2-3). Excerpts from Nehru's speech at the opening plenary session of Asian Relations Conference in 1947 suggests this, "West has also driven us into wars and conflicts without number and even now, the day after a terrible war, there is talk of further wars......Asia will have to function effectively in the maintenance of peace" (Nehru, 1947:251). He further mentions, "there can be no peace unless Asia plays her part....and the emergence of Asia in world affairs will be powerful influence for world peace" (Nehru 1947:251). In this context, India had a very powerful role to play, as "India could lead other nations out of the colonial subjugation" and "India should play her part in this new phase of Asian development" (Nehru

1947: 248-256). Therefore, Nehru's internationalist aspirations for a peaceful world order did not emerge out of nowhere but had its roots in India's anti-imperialist policy of the 1920s and 1930s which formed the basis for its independence. As Kalyanaraman (2014) mentions, Nehru's internationalism was an integral element of the Indian National Congress which formed the basis of India's nationalism during the freedom struggle. Nehru ensures this fact in his speeches in the post-independent decades, "India's policy has not been some sudden bright inspiration of an individual, but a gradual growth evolving from even before independence" (Nehru 1960: 83). So, Nehru's internationalist approach and his vision for a peaceful 'one world', particularly in the Asian context, acquired a much larger dimension in independent India's foreign policy.

Nehru also integrated his international outlook for a peaceful world order with the domestic. "In our domestic sphere also, we should work on lines which are compatible with peace. We cannot obviously have one voice for the world outside and another voice internally" (Nehru 1958). Bhagvan (2013) mentions how "Nehru was adamant about keeping India in line with international norms". This showed that even in post-independent India, Nehru continued to merge the global and the local scenarios. Further, Bhagavan (2010) argued that the Indian elites believed that there existed a symbiotic relationship between the "making of the post-colonial by the new Indian state, and the making of the 'universal' by the new world body". This global-local union conditioned India's aspirations with respect universal human rights. "Global union did not pre-empt or undermine the need for political responsiveness to local needs" but it rather "streamline the demands of individuals, groups and nations with universal principle of human dignity" (Bhagavan 2019:3). Therefore, India's approach to the international human rights was established on Nehru's internationalist framework of India's foreign policy and its principle objective of one world. Further, since the debates and developments regarding humanitarian intervention gradually gained prominence around this period within the human rights history, in the Indian situation, the trajectory of the narratives revolving around intervention on humanitarian grounds can be assessed in this context i.e. the role of India's leaders shaping the human rights politics through its vision of peaceful one world order.

But despite India's role in the cold war humanitarian considerations, most of the literature has seems to have not addressed this aspect of India's contributions (Mohan 2010; Raghavan 2010; Bhagavan 2013; Kalyanaraman 2014). Raghavan (2010) for example discusses how most of the scholars have been divided into two camps- while some consider Nehru's policy to be based

on idealism and utopianism, other revisionists have argued that Nehru's policies has been "obdurate and aggressive" particularly in the case of Kashmir and China. This polarization has led to a huge gap in providing a detailed analysis of Nehru's policies and neglected several crucial dimensions about India's foreign policy. Hence, bridging this gap, and moving further, Nehru's dealing with international conflicts and India's responses towards humanitarian violations, extending solidarity to colonies for their freedom, speaks about the growth of India's policy preferences with respect to the norm of humanitarian intervention. Mohan (2010) calls it "beyond universalism of the weak". India's active role in the political debates of the UN charter, ideas about universalism, liberal internationalism and supporting the cause of decolonization under the leadership of India's domestic leaders particularly Nehru, were some of the important ingredients of independent India's foreign policy. In this period, unlike the popular conception, India was not concerned about sovereignty or non-intervention and this brief period of support to "undiluted universalism" has been ignored by the present narratives (Mohan 2010: 135).

At the domestic level, the test markers for India's progress with the norm of humanitarian intervention in terms of India's contribution to interfere against human rights violations and international crises was the product of continuation of Nehru's peace mechanism in1950s and 1960s which influenced and shaped India's policy choices towards the norm, particularly in its foreign policy. Nehru clearly argues that, "the international policy of a country depends on ultimately on the domestic state of affairs in that country" and that "the two have to be in line and they cannot be isolated from each other" (Nehru 1955). It is in these global-local interactions under Nehru's peace project that India's approach towards the humanitarian intervention associated with the human rights politics of the decolonized period can be well-explained.

5. India and Humanitarian Intervention in Cold War period in the 1950s and the 1960s

By this time in the 1950s and 1960s, we see a larger manifestation of the preceding version of the norm of humanitarian intervention in the debates of international human rights which became predominant in this period. Moreover, Nehru's internationalism amalgamated with nationalism gets further entrenched by this time through his vision for universal world peace.

India did intervene in matters of grave human rights violations and also supported the cause of decolonization during this time period for a number of countries. During the early decades of its independence, India strongly believed in world peace and maintained peace and friendship with the other nations. While most of the times countries do engage in such routine rhetoric but Nehru actually believed in maintaining peace and friendship for Asian unity and a harmonious world order. This has been substantiated not only by the archival narratives of the 1950s and 1960s but also by Bhagavan's (2013) major work where he calls Nehru as 'the peacemaker'. A top secret document of the revised draft of President of India's speech to the members of Parliament in January 1950 states that, "it is the firm policy of my Government to maintain peace and friendship with all the nations of the world and to help in every way possible in the maintenance of world peace" (Nehru files, 35). Analyzing some of the MEA annual reports in the 1950s and 1960s, further strengthens this vision of that period, as it suggests that India signed the Treaty of Peace and Friendship with a number of countries since the time it has gained independence. For example, in the MEA Annual Report for the year 1949-50 suggests India and Bhutan entered into new Treaty of Friendship on 8th August 1949 (MEA Report 1949-50:10). In the very same year, India signed Treaty of Friendship with a number of other countries such as Iran and Afghanistan (MEA Report 1949-50:5). Consequently, India entered into Treaty of Friendship and Peace subsequently with a number of other countries in the following years under Nehru's tenure. Checking with the Annual Report of the 1952-53, it can be seen that India signed the Treaty of Friendship with Iraq, signed at Baghdad in 1952, Philippines and Syria (MEA Report 1952-53:6-7). In the same year, India ratified its Treaty of Friendship with Burma, Indonesia (MEA Report 1952-53:6-7). It also simultaneously, terminated war between India and Japan on 28th April 1952 and concluded a separate bilateral Treaty of Peace with Japan in 9th June1952 (MEA Report 1952-53:6-7). These instances from the MEA reports during this period suggest how maintaining peace and friendship had been an important goal of India's foreign policy. One of the most crucial amongst these agreements has been the Panchsheel or the Five Principles of Peaceful Coexistence, signed between India and China on April 1954 (MEA Report 1955:1).

Although, India's foreign policy was governed by the principles of non-intervention as mentioned in the Panchsheel and it diligently tried to follow the path of non-alignment, it actually quite contrarily, intervened actively for the decolonization movement. This point has been discussed by Mohan (2011), who argued that the non-intervention principle was a myth and despite India's acceptance of the Panchsheel agreement, it was Chinese Premier Zhou Enlai

who invented the concept. It was a crucial aspect of Sino-Indian relations, but it has been "abstracted out of its specific historical context and acquired and ideological weight of its own in the Indian world view" (Mohan 2011: 2).

Since, India believed in maintaining peace and friendship with other countries, it took an active part in extending solidarity to other countries suffering from the shackles of colonial domination. One of the significant cases has been the Indonesian case where India provided unreserved support for its freedom movement. India's annual MEA report during 1948-49 suggests how India brought about the issues pertaining to Indonesian freedom movement in the Security Council (MEA Report 1948-49:7).

> "India brought up the India's sympathy with the people of Indonesia in their struggle for freedom has been actively and persistently demonstrated ever since India first brought up the dispute between the Dutch Government and the Government of the Indonesian Republic before the Security Council in 1947..... The Security Council Resolution of the 28th January incorporated some of these recommendations but was silent on the question of withdrawal of Dutch forces. The Dutch Government have taken no action so far on the resolution of the Security Council. The Government of India are in close touch, both with the Governments which participated in the New Delhi conference and the Indonesian representatives in New Delhi and are closely watching developments" (MEA Report 1948-49: 7-8).

India at the verge of its independence, made it very clear that Indian troops cannot be used against the Indonesian Republican Government and also, material for war from India should not be sent in support to the Dutch government (Nehru 1945: 455). In post-independent period, Nehru expressed publicly about India's support and help for the cause of Indonesia's movement despite the fact that act can be questioned by major powers of the world (Nehru1948:12). Indonesia freedom movement was imperative goal for India as Nehru believed that, if the problem in Indonesia is allowed to continue, "it will be a danger to the whole of Asia, it will be a danger to us in India as well as to other countries" (Nehru 1949:252). Nehru therefore, acknowledged the necessity of taking measures for the freedom of Indonesian people. He criticised the Western Powers about their dubious position regarding the Indonesian problem as the Western powers on the one hand, spoke about Indonesia's freedom, on the other hand included Netherlands in the Atlantic Pact (Nehru 1949:252). "While, on the one hand, they wish to have Indonesian freedom, on the other, they are very anxious to have the Netherlands in their political grouping" (Nehru 1949:253).

Apart from a strong support to Indonesia, there were a number of other countries going through the phase of decolonization in the 1950s and 1960s and Nehru extended his hands of solidarity. Nehru argued,

> "That applies not to Indonesia only, but to several other countries. In each case, we have to face the passive hostility of various interests, not only the direct interests involved, but also the indirect interests involved, because the direct and the indirect interests hang together in such matters." (Nehru 1948: 212).

The All India Congress Committee sent its sympathy to the people of Tunisia and other African countries in their struggle for freedom and hoped that these countries would reach their objective through peaceful methods thereby reducing conflict and laying strong foundation for national progress (Nehru 1952c: 663). Nehru showed deep resentment in UN with regard to the Tunisian issue and highlighted the divisive nature of UN because in spite of the attempts made by a large number of countries of Asia, Africa and other South American countries, there was no discussion in the Security Council on this matter (Nehru 1952a:581). This was due to the fact that the two Power blocs did not wanted the discussion and hence, such divisiveness on matters that concern everyone suggests "there is something wrong about functioning of the United Nations (Nehru 1952a:581; Nehru 1952b:662).

India became a participant to the International Commission for Supervision and Control, set up by the Geneva Accords in the light of the partition of Vietnam in 1954. India was not a negotiating power in the Geneva conference but Indian diplomats were constantly present and participated in "backstage discussions" (Sowiak 2019: 622). Through this India promoted its role of neutral power that was supposed to help the two hostile blocs in coming to an agreement and in this, Nehru's right-hand man, VK Krishna Menon played a vital role (Sowiak 2019:622). The MEA reports around this time hints at these growing developments, "A Political Mission in Cambodia and Consulates General in Laos and Vietnam were established" (MEA 1954-55: 19). President Rajendra Prasad address to the Parliament reflects some of India's standpoint in the context of its participation:

> "My Government continued their participation in the International Conference on Laos at Geneva and the International Commission for Supervision and Control. We have adhered to the policy that the Laotian problem can only be solved on the basis of national independence and of the full freedom of the people and Government of Laos to maintain neutrality which should be assured by all concerned..... We are continuing to participate in the International Commission for Supervision and Control in Vietnam and Cambodia in the interests if maintenance of peace" (Nehru files 1962:157, Prasad 1962: 22).

Moreover, Prime Minister Nehru was conscious about the adversities of international conflicts and the way they can affect India. Hence, being a founding member of UN, Nehru understood that India had a larger role to play in resolving conflicts. Nehru's concerns can be traced from his speeches, "We talk of the Korean situation.... we think of the possibilities of a world conflict and of the consequences that may ensue from it" (Nehru 1950:333). The archival records explored by Nayadu (2018) unravels India's response to international crises between 1945 to 1965 by focusing on peacekeeping commitments in the Korean War, the Suez Canal Crisis, the Hungarian revolution, the crises in Lebanon and in Congo. Nayadu's (2018) study brings into the forefront the neglected dimension of India's peacekeeping efforts during the time period of 1950s and 1960s. India's peacekeepers participated in more than fifty missions and its contribution has been acknowledged by international community (Nayadu 2018). Through her archival work, she argues how India's position on non-alignment paved the way for a stronger peacekeeping role and also, outlined Nehru's commitment to support the UN and for wider Asian nationalism (Nayadu 2018). In this section we further elaborate on India's humanitarian considerations under Nehru's leadership by broadening two considerable dimensions of India's interactions: First, India and the Bandung Conference on Afro- Asian Unity, and the other India and its human rights politics at the UN.

5.1. India's participation in the Bandung Conference: The Afro-Asian Unity and Humanitarian consideration

The Bandung Conference was an important indicator to derive the traces of India's advancements towards the norm of humanitarian intervention because this platform provided essential insights about India's approach to a peaceful world order and human rights politics. Acharya (2014) highlighted the role of the non-Western Powers in the human rights regime which has been sidelined by most of the literature through the lens of the Bandung Conference. Nehru's approach for an "independent foreign policy" saw its materialization in the Bandung Conference through the policy of non-alignment. The Bandung Conference of 1955 where representatives of the Afro-Asian countries gathered to discuss peace and the role of the Third world in enhancing peace and decolonization. This was preceded by the Asian Relations Conference held at the Indian Council of World Affairs in March 1947.

Burke (2010) examines the connection between human rights and the decolonization movement thereby bringing in the importance of the Bandung conference. Interest in human

rights became a distinctive feature of the decolonized era and rights were invoked in the speeches of this conference specifically linked with the predominant problems of racism and colonialism (Burke 2010:18). It was mentioned in the previous sections that the West viewed this conference with much suspicion and believed that it was opposed to the 'universalist' character of human rights. The archival records of that period also track down the growing suspicion around the conference,

> "There is much interest in and misrepresentation of Bandung Conference in U.N circles including Press. This emanates mainly from U.S.A whose primarily present concern, topping for moment even Formosan Straits issues is to counteract Bandung. I have drawn repeated attention to Prime Minister's remarks that conference is in no way anti West or anti U.N. and is not for the purpose of creating regional Bloc...."(Menon files, 47)

However, the Bandung conference reflected their immediate concerns with respect to the emerging world order in which these decolonized countries found themselves. Therefore, they consistently pushed for an alternative framework of human rights which would be more inclusive towards their considerations. Chou Enlai's speech at the plenary session of the Asian African conference highlights the essence of the Bandung conference,

> "One should say that now the common desire of the awakened countries and peoples of Asia and Africa is to oppose racial discrimination and to demand national independence, to firmly defend their own territorial integrity and sovereignty. The struggle for the Egyptian people for the restoration of their sovereignty over the Suez Canal Zone, the struggle of the Iranian people for the restoration of sovereignty over their petroleum resources and the demand for the restoration of territorial rights of India over Goa and of Indonesia over West Irian, have all won sympathy from many countries in Asia and Africa" (Enlai 1955:251-264)

From India's perspective, the main objective of the conference was to "promote goodwill and co-operation, to consider common social, economic and cultural problems" (MEA Report 1955-56:44). These issues mainly revolved around the problems that were of special interest to Asian and African people such as racialism, colonialism, etc and also, simultaneously it tried to locate the position of Asia and Africa in the world and how effectively it can contribute to the promotion of world peace and co-operation (MEA Report 1955-56:44).

The Bandung conference therefore, provided the Afro-Asian countries a platform to discuss the various human rights issues that these newly independent countries felt were more relevant

in their context. Contrarily to the popular Western rhetoric, the Afro-Asian demands in reality diversified the nature of universal human rights. By blending their specific considerations under the umbrella of "universal", these newly decolonized countries enlarged the horizon of human rights in this period. The Speakers of the conference embraced both the Universal Declaration and the Draft Covenants on Human Rights thereby "weaving universality with national and cultural particularity" (Burke 2010:19). The endorsement of the Universal Declaration as a "valid normative standard for all" was one of the most potential developments of the human rights at Bandung (Burke 2010:19). Acharya (2014) argues how human rights and self determination were important agenda of the political committee at the UN. By referring to the issues of racialism and Palestine on the agenda, Indian representative and Prime Minister, Jawaharlal Nehru observed that colonialism was violation of human rights and a threat to the world peace and if the Afro-Asian countries do not maintain that, there is no point criticizing others for the same thing (Acharya 2014: 409). Nehru's speech at the Loka Sabha further supports these view points: "The work of the Committee of the whole Conference was devoted to problems mainly grouped under the headings of Human Rights and Self-determination...In the consideration of Human Rights and Self-determination, specific problems, such as racial discrimination and segregation, were considered" (Nehru 1955: 272).

Therefore, India's active disposition in the Bandung conference suggests its standpoint towards the human rights discourse. Nehru on one hand invoked the principles of non-intervention and self-determination like the other leaders in the Bandung conference but it was not used as a protection against human rights abuses. Rather, non-intervention and sovereignty were invoked simultaneously to prevent foreign intervention that might cause domestic instability, colonialism and to keep away from the military blocs of the cold war period (Acharya 2014: 410). Premier Chou Enlai's report on the Asian-African conference at the Standing committee of the National People's Congress verifies this argument, "opposition to colonialism and striving for and safeguarding national independence, opposition to aggressive war and upholding world peace,...form the common desires and demands of the peoples of the Asian and African countries" (Enlai 1955: 75-101).

While Nehru believed that non-intervention was important to prevent external aggression in the domestic territory, his speeches also suggest the sovereignty was not absolute for India. "We do not believe in any such ultimate sanctity and we think that ultimately some world authority should grow to curb national sovereignty to some extent" (Nehru 1950:231).

India's position viz-a-viz the Bandung conference showcases how India under Nehru's internationalism led to the linking of the local independent struggle with other similar battles thus enabling the cause of decolonization and human rights. Bhagavan (2019) in his work brings into the limelight "the tense human rights negotiation" in the UN. India's arguments revolving around intervention and humanitarian considerations was not simply confined to balancing human rights negotiation by bringing in the viewpoints of these Afro-Asian countries on the table, but India during this period also enlarged its horizon of playing the role of a peacemaker by mediating a number of international crises that cropped up in the edgy cold-war environment. India's peacemaking role also consisted of an encompassing human ideal (Bhagavan 2019:4).

5.2. India, UN and Humanitarian considerations of 1950s and 1960s

This section explores India's understanding of sovereignty and intervention through its involvement in the UN and the associated issues of international crises and human rights problems that grappled the functioning of the UN. The birth of the UN in 1945 coincided with India's transition to an independent nation-state. India, recently independent, was at the forefront of decolonization and intervened to voice its opinion in favour of the countries that were going through the similar processes of decolonization. As a result, Bhagavan (2010) argues that the UN became an institution that inter-twined India's hopes for itself and for humanity. An examination of India's relationship with the UN around this period gives some fundamental inputs towards the consolidation of the norm by the Indian elites. India in the formative years of the UN shaped its dynamics at multiple levels- from negotiating human rights, dealing with various human rights abuses such as colonialism and racialism to playing the role of the peacemaker by negotiating a number of international crises during this period.

Building on the arguments regarding how Indian elites played a crucial role in the human rights politics at the UN, a few debates are significant to understanding India's humanitarian considerations apart from India's role in drafting of the United Nations Declaration on Human Rights: India's participation in the debates regarding the UN Charter, India's support for decolonization and the issue with the treatment of the Indians at South Africa.

During the formative years of the UN, India was on the verge of getting its independence and played a significant role in the debates regarding the components of the UN Charter. For

discussing the outlines of the Charter and its formalization, a meeting was held at San Francisco. The meeting consisted of fifty states and their participation led to the formation of the official Charter of the UN (Bhagavan 2010:314). In this particular meeting, Vijaya Lakshmi Pandit, who was present in San Francisco during this period, opposed the language of the Charter. Nehru remarks regarding the Charter was quite optimistic. At Paris, Nehru stated that, "the Charter of the United Nations has laid down in noble language the principles and the purposes of this great organization" (Nehru 1948: 162). However, Bhagavan (2013) argues that while on one hand, Nehru believed that the preamble of the Charter was in line with India's vision of "larger freedom", India could not totally accept the language of the Charter. Therefore, Bhagavan (2013) points out that Madame Pandit, "vociferously opposed" and contrasted it with that of its predecessor, the Atlantic Charter. The most objectionable part of the San Francisco meeting was the exclusion of the colonized people from the Charter (Bhagavan 2010:314; Bhagavan 2013:54).

The conflict was with the interpretation of Chapter XI and Chapter XII of the Charter which was related to giving up of the colonies and trustee lands. The debates revolved around the question of self-government without having the Great Powers to give up on the colonies (Bhagavan 2013:54). India rejected these propositions completely but however, it failed to make the alterations. At the UN plenary meeting held on 1948, Pandit expressed her viewpoints on the San Francisco meeting:

> "The present session would be called upon to consider colonial and trusteeship problems arising from Chapter XI and XII of the Charter. The views of the Indian delegation onsuch matters, which had been pressed at the last session of Assembly, were well known...India regretted the attempt in some quarters to whittle them down." (Pandit 1948:112).

Pandit (1948) further argued that:

> "Indian delegation, believeing in the freedom of all peoples, wished to see the early termination of (the) colonial system and speedy attainment of self-government by all peoples inhabiting colonial or Trust Territories. It insisted on the strict observance of Chapters XI and XII, both in spirit and letter. In particular, it urged colonial powers to realise that the two hundred million people inhabiting the Non-Self-Governing territories read into the provisions of the Charter relating to such territories far more than the colonial Poweres were inclined to do so" (Pandit 1948:112).

Hence, India national elites in the initial years such as Pandit, stood for the cause of the colonised people at San Francisco. Although, Pandit failed in her effort to make the necessary

changes, her poweful disposition at the San Fransisco meeting predicted and moulded the post-colonial human rights dynamics at the UN.

Another test case for India's role in humanitarin consideration during this time was raising its voice against the South African problem of racial discrimination at the UN. India under the guidance of Pandit's powerful intervention stood up for the human dignity of the fellow Indians residing in the South Africa. India was at the forefront of the international community to provide a solution to the appartheird problem. India was critical about the Ghetto Act (Asiatic Land Tenure and Indian Representation Act) passed under the leadership of Jan Smuts in the South African Parliament which denied basic rights and privileges to Indians living there (Bhagavan 2013:56). Pandit (1952:68) in the seventh session of the General Assembly argued that "the act was a potential weapon for the persecution of the non-white population".

At a speech delivered at the Indian Council of World Affairs, Nehru expressed his concern for the South African issue arguing that "if such a policy is continued, it will breed conflict" (Nehru 1949:259). Nehru hoped that, "the matter is thus before the United Nations and I hope the United Nations will help in its solution" (Nehru 1949:259). Madame Vijaya Laksmi Pandit led the fight against the South African law. Her statement in the United Nations stated:

> "it is necessary at this point to call your attention to the fact that the South African Government has taken no action to give effect to the principles underlying the resolution we adopted here last year....A denial that discrimination has been practised against Indians in South Africa is not, I submit, a serious or convincing reply to the General Assembly...Unresolved, it may spread misrepresentation and conflict over a much wider sphere, because of its basically racial character". (Pandit 1948:136).

Dissenting opinions were raised as India's course of action would be interfereing in the international affairs of the member states under article 2(7) of the UN Charter. However, the proceedings concluded that fundamental human rights was the basis of international community and no state can hide under the domestic jurisdiction clause (Bhagavan 2013:58). India's attempts internationalized the issue cracking a defense based on domestic jurisdiction and sovereignty and Madame Pandit won the General Assembly vote with a two-third majority leading to South Africa's defeat (Bhagavan 2014). India's interventions for humanitarian considerations gets reflected through this benchmark outcome where India prioritized human rights violation over considerations for absolute sovereignty.

These issues, weaved together, narrates how India's consciousness about humanitarian considerations got expressed through the issues of decolonization, racial discrimination and human rights. India's in its early decades of independence therefore, through its intervention on these issues, was responsible for shaping the norm dynamics within the UN. Although the Indian actors played a dominant role in balancing "universal" in human rights and the Human Rights Committee agreed for the twin covenants, including cultural and political rights with self-determination being the main focus, a complex debate arose regarding the question of self-determination and plebiscite with respect to accession of Kashmir (1221st Plenary meeting, UNGA). Most of the traditional narratives have focused on the Kashmir issue and the China's aggression during the 1950s and 1960s which were considered to be the two biggest set-backs of the Nehruvian period. Because of this one-track approach, India's policies with respect to other tenets have not been analysed to its fullest potential. Recent scholarship has further focused on India's peace-building efforts in international crises which occurred during this period. This analysis would determine India's position with respect to intervention on humanitarian purposes during this period viz-a-viz its global-local interactions.

Tracing India's diplomatic history it could be seen that how Korea, Congo, Algeria and Lebanon became important sites of India's intervention. Additionally, India's policy of intervening for furthering its objective of peace was put into test in the simultaneous issues of Suez Canal and Hungarian Revolution crises. India's contribution unveiled the humanitarian nature of India's peace-building measures. The combination of Jawaharlal Nehru, the first Prime Minister of independent India and Dag Hammarskjöld, the Third Secretary General of UN enlighten us about India's leadership role in the peacekeeping efforts during the Cold war period thereby signifying India's involvement with respect to intervention in the earlier decades. Sidhu (2019) argues that India's contribution to the UN peacekeeping during the Cold war period has been contradictory to its role as a rule-taker. Similarly, recent archival work by Nayudu also revealed how the existing discourses have neglected India's interventionist role during this early decade of independence. Malone and Mukerjee (2013), mentions how despite the disappointment at the UNSC regarding the Kashmir issue, India earned the reputation of 'champion of peaceful settlement' at the UN by providing troops, senior officials, military observers and humanitarian assistance to a diverse set of UN operations in order to resolve conflict.

The peace operations during this time along with facilitating the process of decolonization, were designed to provide a fire-break around local conflicts in order to prevent their spread

into larger Cold War conflict (Sidhu 2019:81). Nehru who was at the forefront of the decolonization struggle and wanted to carve out a larger international role for India, understood the symbiotic relationship between the United Nations, non-alignment and decolonization (Sidhu 2019:82). He perceived that UN was the platform which would foster the decolonization movement and for the success of UN, peacekeeping was imperative (Sidhu 2019:82).

Immediately after independence, India found itself amidst the Korean War conflict, where it served in a fundamental role in mitigating the conflict. In the question of the Korean War, the UNSC voted for armed intervention under unified command which was led by the United States and India contributed a field ambulance unit to the cause (60th Parachute Field Ambulance Unit)(Mukherjee and Malone 2013: 159; Sidhu 2019:85).

The minutes of the meeting between Nehru and Chinese Premier Zhou Enlai projects India's views towards the conflict where he advised Premier Zhou Enlai, "first, do not tolerate the worsening of the situation. Second, do not tolerate the worsening of the situation". Sidhu (2019) argued that India initially supported a strong UN response to the situation but however, refrained to send troops to the war as it was continuously trying to court China. It must be taken into consideration that throughout the 1950s, India was consistently trying for Chinese presence in the UN. From 1956-59, India annually tried for the inclusion of China in the UN due to which India and Krishna Menon earned hostility from the United States, but India remained consistent in its approach (Menon Speeches 1956-60, UNGA). Nehru (1950) also expressed at the Parliament that, India did not send any "token forces" because it did not knew how the war would develop and also because there was other matters that was linked with the Korean situation. Nehru further argues that while recognition of China and the Korean issue stood apart from each other, "yet one affects the other and naturally they had to be seen in the context of each other" (Nehru 1950:355).

 However, India's efforts to bring about peace in the Korean Crisis has been considered to be unique and neutral without any political interests as in 1952 it proposed the creation of the Neutral Nations Repatriation Commission after months of deliberation to find a solution to the future of prisoners of war under taken by V.K. Krishna Menon (Menon Speeches 1952,Sidhu 2019:85;Banka 2020).

Similarly, Nayadu (2018) uses the memoirs of Ambassador Rajeswar Dayal(the UN Secretary General's Special Representative) who played a pivotal role in the Lebanon Crisis of 1958. India contributed one of the three members of the core group in the United Nations Observation

group in Lebanon (the UNOGIL) and also participated in the peacekeeping mission. Nayudu (2018) argued how the archival records revealed "through his frequent correspondence at this time with world leaders from both blocs and with leaders in Asia and Africa, Jawaharlal Nehru the then Prime Minister adopted a conciliatory attitude and obtained a middle ground to the crisis. Nehru's main concern for the war was US predominance in the West Asian region in the wake of Suez Canal Crisis which took place in 1956 (Nayudu 2018: 222). India's response to international crises was tested with the twin crises- Suez Canal Crisis and Hungary Crisis both of which took place in 1956. It was argued that while India spoke swiftly about the Suez Canal Crisis, it waited three weeks before making any public statement about the Hungary Crisis.

In the Suez Canal Crisis, in the light of the unprecedented situation that was caused by Egypt's decision to nationalize the Suez Canal together with military response from Israel, Great Britain and France, Hammarskjöld called for a "Uniting for Peace" resolution with the help of India (Sidhu 2019:86). The US-sponsored Uniting for peace resolution in 1956 pushed the fighting behind the armistice lines and paved the way for Eisenhower-Nehru formula (Nayudu 2018). Nehru expressed his concern about the developments in his letters and cables exchanged with Pandit during this period (Nehru 1956:318). In his further note to Nasser, Nehru speaks about a peaceful resolution and mentions that his suggestions were "no way designed as interference in Egypt's affairs" (Nehru 1956:328). When the Israeli forces invaded Egyptian territory followed by the British and the French, the Indian Government played an active role in the crisis in its diplomatic efforts to bring about an end to the aggression against Egypt in 1956-57 (Reddy and Damodaran 1997). Menon (1956) in the plenary meetings spoke about India's decision to be a part of the emergency force: "I have been instructed by my Government to communicate to the Secretary-General ... that the Government of India would be willing to participate in the United Nations Force". Menon puts down the conditions of participation on behalf of the Indian Government which was to "secure and supervise the cessation of hostilities" and he made it loud and clear that the force would be a temporary one for emergency and it must take Egyptian government's consent as for functioning in its territory (Menon 1956). India's stand on decolonization of Asia and Africa and India's support to Egyptian position did not obstruct India's role in mediating both sides (Nayudu 2018). But while India at one hand became one of the major participants in the peacekeeping force in the Suez Canal crisis but on the other, chose to remain silent on the Hungary crisis which occurred during the same timeline- which has often been questioned (Shende 2016). Nayudu (2015) argues that the Hungarian Revolution put Nehruvian non-alignment to test as India diluted its responses to the

events in Hungary. Menon's arguments at the eleventh session of the plenary meeting held on 6th December 1956 establishes how India's discrimination between the two crises: "so far as the Suez Canal is concerned, my Government thinks there should be no delay in clearing of the Canal" (Menon 1956: 574) but India's initial proposition in case of Hungary has been: "...we believe in the Hungarian people to have the form of government they desire" but however, India at the same time was not convinced of the nationalist nature of the revolution and hinted that it was an internal matter "...grave responsibility rests on the Soviet Government to bring about a change in the affairs of Hungary..."(Menon 1956:574). However, gradually when Nehru was convinced that the Hungarian uprising was of nationalist character, it supported the cause for self-determination of the Hungarian people (Shende; Nayudu 2018). But, India was extremely cautious and chose not to use the language of condemnation against the Soviet Union.

> "We have kept ourselves under restraint, without pronouncing judgement on events which we have not been able to observe ourselves, and in spite of whatever newspaper criticism there may be, whatever epithets may be used, my Government and people will not shift to a position where we are called upon to condemn without evidence.... as a sovereign government in relation to another government, the responsibility of permitting a judgement or an inference to be made on the basis of facts, and we are now asking in this draft resolution permission to do that, because there is a war situation" (Menon 1956:166-70).

In continuation with respect to India's responses to international crises, another significant case study has been India's response to the Congo crisis of 1960. Bommakanti (2017) argued that India's intervention in Congo was one of the most visible examples of New Delhi's contribution to humanitarian intervention and through it, India actually shrunk the domestic sovereignty of the Congo. India played an active role in the United Nations Operation in Congo (ONUC). President Rajendra Prasand in a speech delivered at the Lok Sabha debates on 12th March 1962 stated, "In Congo as my Parliament is aware, my Government at a critical period took a crucial decision to send adequate armed forces to assist the United Nations, although it was and continue to be a great strain upon us to do so" (Prasad 1962:21). Similarly, India also raised the issue of colonialism associated with Algeria at the UN. According to Menon, discussion regarding Algeria's freedom was important "because of its international importance and of the problem of war and peace with which it is connected and its general stubbornness" (Menon 1956:568). His arguments regarding the Algerian case showcases how the domestic and the international parameters consistently interacted with each other during this period: "my

government desires me to say that our objective for Algeria is the same as has been the objective for ourselves: that is independence for the territory" (Menon 1956: 569)

6. Norm Localization in the period of 1950s and 1960s- Transition in the norm of humanitarian intervention under Nehru period

This section therefore, analyses the trajectory of the norm of humanitarian intervention in 1950s and 1960s in India's context. It is put forward through the theoretical lens of norm localization to explain the diffusion process of the global norm of humanitarian intervention when it comes in contact with India's domestic context. As a result, how have the Indian domestic actors at the national level addressed the norm i.e. situating it in India's 'locale'. Bringing in the theoretical debates from the previous chapter and summing up the different issues where India acted upon intervening on cases of humanitarian consideration this segment seeks to dissect two things related to the diffusion of the norm of humanitarian intervention: 1) Focusing on the significance of the local in the global-local interaction it investigates how the norm gets translated in India's specific context in the 1950s and 1960s and 2) what are the variations in India's localization process with respect to the norm.

As already pointed out, the norm of humanitarian intervention developed through several stages and with each passing stage the norm faced contestation with respect to its usage. As the norm traversed through these stages, the history of the norm coincided with the histories of humanitarianism and human rights. Therefore, though there was no fully developed conception of the norm prior to the 1990s, the traces of the norm could be comfortably located in the debates and discussions in these intertwined histories. Parallel to this, in order to understand the growth of the norm in the context of an individual country such as India, it is therefore required to track India's participation in these various debates of humanitarianism and human rights which carried the seeds of the norm of humanitarian intervention. This would enable us to understand India's position with respect to the norm of humanitarian intervention in the earlier decades of its independence.

India's foundation with respect to interventions on humanitarian purposes had its roots in the inter-war period of 1920s and 1930s. Indian local actors under the leadership of Nehru built up a humanitarian tradition through the anti-imperial struggle and merged that with the wider network of Pan-Asia and other countries that were fighting similar battles. This humanitarian tradition reflected how India voiced out its opinion and took a stand for humanitarian considerations which in the 1930s was struggle against imperialist forces and colonialism. India

not only extended its solidarity but also intervened in support of those countries (Spain, China, and Ethiopia) at the international level. While these interventions do not qualify the 1990s interventions, it was bound by the thread of humanitarianism which was the preceding counterpart of the norm. Therefore, corresponding to the Western humanitarianism, the traces of intervention on humanitarian grounds could be located in the humanitarianism discourse within the South Asian region as well. INC under Nehru's internationalism operating in this period suggests that the norm localization was not a one-way diffusion process where the global norm gets "modified" by the domestic actors in their "locale" through congruence building mechanism. The convergences and divergences with the world order of 1920s and 1930s suggested that India's localization of humanitarian considerations within the scope of humanitarianism was the product of a two-way process: India's own considerations for sovereignty intertwined with the global struggle against imperialism. Hence, while Indian political leaders manoeuvred the norm according to their own political necessity at the domestic level, the political leaders also shaped the course of the norm through its moral support to the global struggle against imperialism.

As the debates around the norm of humanitarian intervention got further entrenched in the discussion of the twentieth century, it paved its way within the domain of human rights politics. Moreover, it coincided with the time frame of cold war and decolonization. While the legality of the norm of humanitarian intervention was heavily contested, there was considerable amount of consolidation of the norm in the human rights discourse due to the efforts of several jurists and lawyers. How can we then analyse India's advent with the norm of humanitarian intervention during this period?

During the period of 1950s and 1960s, Nehru's internationalism with the objective of formulating a 'one world' acquired a larger dimension in independent India and it was under this realm, that India's actions on interventions for humanitarian purposes can be identified. Defying the popular connotation that Nehru declared that the non-intervention component of the sovereignty norm was one of the most fundamental principles of post-1945 international system (Bloomfield 2016:72), scholar such as Mohan (2010 and 2011) and Kalyanaraman (2014) argued that India's non-intervention was a myth and in the early decades India's foreign policy was deeply driven by universalism, liberal internationalism and solidarity for fellow countries fighting the colonial battle. Apart from this, India also played a crucial role in the early political debates of the UN (Mohan 2010: 134-135). Archival records support India's early nuance towards the sovereignty: "India does not take seriously as many countries the

sanctity of sovereign power" (Nehru , file 35). Mukerjee (2013) also addressed how India's founding fathers evinced considerable faith in the UN and the importance of securing human rights at the expense of state sovereignty.

Under the leadership of India's Prime Minister Nehru and other significant elites such as Pandit, Menon, etc India championed the cause of decolonization and peace and as result, shaped the norm dynamics at the UN platform through its interventions at multiple levels – negotiated the human rights covenants and contributed to the alternative language of human rights, voicing out and expressing solidarity for the countries fighting battles against colonialism and sending peacekeeping forces in a number of international crises that occurred in the cold war environment.

In this regard, Acharya's (2014) arguments are important as he mentions that in norm diffusion processes, norm creation and propagation is not the prerogative of powerful state actors, other weak states can also create regional and global norms. Therefore, they have a crucial agency role in norm diffusion. The variations in the scope and interpretation of norms can be considered a product of norm localization and constitute a significant aspect of agency (Acharya 2014:406). India's active role during this period largely showcased how it played an active role as a norm maker by contributing to the human rights politics and debates on intervention in the 1950s and 1960s..

Further, India's national actors believed in the interlinked relationship between the domestic and the international as it was seen in Nehru's speeches in the earlier sections. It was this global-local interplay that considerably influenced India's approach towards the debates that revolved around humanitarian intervention. Nehru in his speeches mentioned that,

> "Our domestic problems are serious enough and of more intimate concern to us than what happens in Korea or elsewhere abroad. But from another point of view, Korea is more important because if this fighting spreads inevitably affect all our domestic problems and put a heavy burden on our already strained economy" (Nehru 1950: 157-158).

This was because Nehru believed that the international policy of a country was ultimately dependent on its domestic affairs, and both have to be in tandem with each other (Nehru 1955) and therefore the problems of India cannot be separated from the world either politically and economically (Nehru 1949:184). Therefore, as a result of this, India expressed solidarity with a number of countries who were undergoing through similar process of decolonization like

India. Nehru believed that only through the freedom from colonialism, India along with other countries could build up a peaceful Asia and ultimately the goal of a 'one world'.

However, while India acted on matters of humanitarian considerations and believed in the dilution of the sanctity of sovereignty, India's approach to 'intervention' was restricted. First, as already seen, humanitarian intervention framework did not gain its full legitimacy and force could be invoked only pertaining to 'self defence' and 'maintain and restore international peace and stability'. While India stood against human rights violation particularly in the colonies, India treated 'use of force' as a separate entity and supported it only in when there was a threat to international peace and stability in the 1950s and 1960s.

> "...in certain circumstances one country has a legitimate interest in what is frequently considered as the internal affairs of another country as is justified in interfereing, and even duty-bound to interfere if the Government of the latter county fails to meet certain standards. For instance, india believes that racial discrimination within the borders of one country is a matter of legitimate concern to other countries. Similarly, it does not regard lending support to colonial people engaged in a struggle for independence as interference in the internal affairs of the mother country..." (Nehru file, 36)

India interfered in cases of violation of freedom and provided solidarity but in terms of 'use of force' India equated it with its goal of enlargement of peace and stability (unlike the contemporary approach of the norm where it is directly linked with human rights violation).

Secondly, while India interfered in some cases, it remained ambivalent or opposed other interventions such as in the Soviet intervention in Hungary (Mohan 2011). Nayadu (2015) exploring the diplomatic history in the Hungarian crisis argues that Indian non-alignment helped India to maintain a unique place where it was able mediate between contradictory position. Nehru made it clear that,

> "It should be borne in mind that India's foreign policies are by no means frozen. They are subject to change in response to developments within India itself and to shifts in the International situation. In fact, some of the matters touched on herein might be regarded as tendencies or trends rather than as entrenched policies" (Nehru file, 36).

India's intervention during this period was the product of its own risk assessment and was independent of Western thinking (Nayudu 2015). For example, in the case of the Korea crisis of 1950, Nehru argued for the necessity of analysing the risk of the Korean war and its implications for India and larger Asia, rather than blindly agreeing to the Western method of resolving issue, "we are in better position to help sometimes so far as Asian question is

concerned" than that of the Western world whose methods "lack all subtlety" (Nehru 1950:347).

7. Conclusion

Summing up the arguments, the advent of the norm of humanitarian intervention in India's context was the product of the interplay between the international and domestic parameters. In other words, norm localization with respect to humanitarian intervention depended upon the interplay between the global-local diffusion mechanisms which rested on Nehru's amalgamation of the national and the international for the endeavour of peaceful one world order. This trend could be seen in the 1920s and 1930s when India confronted British imperialism at the domestic level and that connected India with transnational network of wider world resistance movements. In the post-1945 period, a newly independent India continued to follow its peace project and championed the cause of decolonization. In the decades of the 1950s and 1960s, India's humanitarian considerations got entrenched in its domestic locale via its participation in the human rights politics. India's humanitarian role suggested that the norm localization was not a uni-linear process of norm internalization through congruence building mechanism by the domestic local actors. Broadening the horizons of norm localization theory, this period highlights how the translation of the norm of humanitarian intervention was a two-way process. The constant interaction with the immediate world order in which India found itself in its transitional years, showcases that to understand the localization process of the norm, a down-top model is essential. India's active role in the various debates associated with intervention in the histories of humanitarianism (1920s and 1930s) and in human rights (1950s and 1960s) suggests how the consolidation of norm in the earlier period was not a hierarchical mechanism. India's participation in the issues associated with intervention on humanitarian considerations suggested how India was not simply a norm taker, but also a norm maker as Indian elites shaped and influenced the norm dynamics at the international level. Hence, the way India interpreted the norm not only signifies its agency role but also hints at the multi-dimensional localization process of the norm in this period. Despite this multi-dimensional localization of the norm where the domestic actors emerged as important stake holders of the norm, the overall norm diffusion with respect to humanitarian intervention has been partial because of India's contradictory positions. The traces of the norm of humanitarian intervention in the Indian context projects that while India supported human rights and were against its violation, it provided help within its peaceful boundaries- juggling between necessity and morality.

CHAPTER-4

Cases of India's Intervention in the Neighbourhood: Bangladesh & Sri Lanka

1. Introduction

This chapter addresses the two most noteworthy cases of intervention in India's neighbourhood during the cold war period: intervention during the 1971 Bangladesh war and the 1987 Sri Lankan war. These two interventions by India have raised a considerable amount of controversy in the international community regarding its nature i.e. whether these two cases are valid for humanitarian intervention.

Most of the academic scholars of history and international relations have discussed whether the humanitarian intervention was acceptable during the period of the cold war. The preceding chapter put forward the various arguments that revolved around the prominence of the norm in the cold war era. The cold war period collided with an important phase of transition in the norm of humanitarian intervention as the debates revolving around the norm was gradually incorporated in the emerging human rights discourse. The previous chapter traced the earlier genesis of the norm and focused that the significant amount of norm consolidation occurred during the cold war period despite the contestation regarding the legal framework of the norm (Dunne and Staunton 2016). The particular reference point was about the strong presence of the norm in the light of the emerging consensus in the promotion of human rights and also, in those cases of intervention in crises having humanitarian effects during this period (Dunne and Staunton 2016:38-55). Klose (2020) highlighted how the nascent stage of the norm could be detected in the overlapping histories of humanitarianism and human rights. The developments of the norm through these historical stages determined its course in international relations and were crucial for its evolution.

While the norm of humanitarian intervention was a budding phenomenon in the cold war period, among the recognized few cases that made to the list of interventions having a humanitarian effect during the cold war period, has been India's intervention in Bangladesh in 1971, Vietnam's overthrow of Cambodia's Pot Pot regime in 1979, and Tanzania's intervention in Uganda which also took place in 1979 (Wheeler 2000; Bloomfield 2016:21). As a matter of fact, scholars like Kingsbury (2012) and Dunne and Staunton (2016) argue that these historical precedences in the norm of humanitarian intervention planted the seeds of normative responsibility of the international community and paved the way for acceptance of responsibility to protect in the contemporary times. These events acted as important witnesses

that help to understand the encircling debates around the norm of humanitarian intervention as it passed through various phases (before its dominant presence in the 1990s). Therefore, despite being heavily contested, these cases are important benchmarks to explain the genesis of humanitarian intervention.

As it was seen previously, in the earlier decades of post-independent India, the synthesis of the norm of humanitarian intervention occurred through Nehru's internationalism. The norm of humanitarian intervention in its nascent stage could be mapped out in India's participation in the human rights politics of the UN. Under the aegis of the 'legitimating vehicle' of the UN, Nehru conducted his 'real' internationalism to ensure peace and justice (Bhagavan 2010:319-20; Bommakanti 2017). While Nehru acknowledged the importance of global bodies like the UN for ensuring the human rights norm and for the realization of a peaceful world order, India also played the role of norm maker: shaping crucial norms associated with decolonization and human rights within the UN. In the subsequent cold war years, the two cases of intervention that made a mark in this emerging question on humanitarian intervention were the intervention in East Pakistan leading to the independence and formation of Bangladesh in 1971, which took place during Indira Gandhi's tenure; and the intervention in Sri Lanka to end the ongoing civil strife by sending the Indian Peace Keeping Force in 1987, which took place under Rajiv Gandhi's tenure. Both these cases are important junctures to illustrate how the norm of humanitarian intervention unfolded in the Indian scenario.

Bass (2013) called the Bangladesh crisis to be one of the 'cardinal moral challenges' of history which had a monumental impact on India, Pakistan, and Bangladesh. The crisis leading to the India-Pakistan war of 1971 also transpired in the larger political theatre of cold war politics which attracted international attention and evoked intense discussion about the legitimacy of humanitarian intervention. As discussed by Franck and Rodley (1973), in the Bangladesh conflict, the two factors of international law came to conflict with one another – peace and justice. India's unilateral interventionist action for the independence of Bangladesh led to the dilemma between securing human rights on one hand and violating the sovereign authority of Pakistan on the other. It challenged the conventional international order in terms of 'using force' which was primarily linked with 'self-defence' and 'maintenance of peace and stability' and not particularly with protecting human rights. As Welsh (2004) argues, in the cold war period, "humanitarian claims were not employed by states to legitimate the use of force". While the norm of humanitarian intervention and using force for humanitarian purposes made its space in human rights discussions, it was only at a very nascent stage and hence, invoking it

garnered international confrontations during the cold war ambiance. India's unilateral usage of force in support of independence of Bangladesh although did not have the UN stamp in the 1971 cold war environment, nevertheless, the intervention was considered to have a positive humanitarian effect making it an important case to study to understand the evolution of the norm of humanitarian intervention. Mehta (2011) and Bass (2015) put forward their arguments as to how India's response to the plight of the Bengalis was one of the most significant cases of humanitarian intervention against genocide.

India's other crucial test drive with the norm of humanitarian intervention had been with its neighbouring country Sri Lanka. India's intervention in the Sri Lankan civil war in 1987 was through the deployment of Indian Peacekeeping Forces (IPKF) which was supposed to perform a peacekeeping role. The attempts by the Indian government to bring about an end to the Sri Lankan ethnic conflict largely remained unsuccessful and as a result, the forces were withdrawn in the 1990s. Bhagawati (2019) commented that the military intervention in Sri Lanka was one of the "major foreign policy misstep" by Rajiv Gandhi. Similarly, Dogra (2020) too mentions how the entire IPKF venture was considered to be a blunder due to its improper execution at the diplomatic and military level. However, India's attempts for a peace process to end the ethnic civil war in Sri Lanka reflects upon its stand on humanitarian considerations and hence, this case study is equally vital for our analysis. Therefore, despite the criticisms faced by India in its Sri Lankan venture, the efforts it put behind for the peaceful resolution nevertheless is crucial to identify the position of the norm of humanitarian intervention concerning the domestic actors in India's foreign policy doctrine.

The analysis of the narrative of the events that led to India's intervention is important as it also sheds light upon how the South Asian player addressed the issues of genocide and sovereignty within the larger ambit of humanitarian intervention. The dual case study of intervention in neighbourhood provides/hold a lot of weightage to explain the convergences and divergences of the norm in the Indian context in the cold war period. Both the cases would illustrate how Indian domestic actors' constellations localized the norm of humanitarian intervention and implemented it in its national foreign policy. India's decisions taken in response to the two crises in the neighbourhood elaborates on the position of the norm in India's foreign policy i.e. to what extent the global norm has translated to the domestic boundaries making a space for itself in the foreign policy discourse. The norm localization also highlighted how India's pretext for application of the norm in its foreign policy by its domestic policy makers impacted

on the international contours of the usage of the norm of humanitarian intervention. The dual cases not only would enable us to understand how India's domestic actors built up the dynamics with the norm in its foreign policy but their interpretation also had international repercussions particularly in the South Asian context. Hence, studying these two benchmark events which occurred during the cold war period is important for a comprehensive understanding of India's policy towards the norm of humanitarian intervention.

Therefore, to build the pieces together regarding the primacy of the global norm in India's domestic domain, it is necessary to delve into a detailed analysis of the two cases. The chapter is divided into seven broad sections including the introduction. The second section provides a detailed analysis about the events and politics that shaped the 1971 Bangladesh war and India's role in it. The third section describes how India endorsed the norm of humanitarian intervention under Prime Minister Indira Gandhi. It also further puts forward what has been India's shared expectation regarding the global norm vis-à-vis its domestic actors by analysing other similar events under Indira Gandhi's leadership where India took a stand against violation of human rights. Similarly the fourth section elaborates on the Sri Lankan conflict and India's intervention in 1987. The fifth section explains India's translation of the global norm by Rajiv Gandhi's government by analysing India's intervention in Sri Lanka by sending Indian Peace Keeping Forces (IPKF). Investigating the domestic politics that shaped the foreign policy decision making with regard to humanitarian intervention in the Bangladesh 1971 war and Sri Lankan conflict in1987, this section explains how norm localization took place under the leadership of the two governments. This is followed by the last section with some concluding remarks.

2. India's role in the Bangladesh Liberation War of 1971- The Events and Politics

The introductory segment highlighted that in order to understand how the norm of humanitarian intervention evolved in India's foreign policy, it is important to further delve into the subsequent years of the cold war after the Nehru period. Hence, broadening our horizon of analysis in the ensuing years of the cold war after Nehru, this section of the chapter put forwards the discussion regarding the first case study of our analysis which is the Bangladesh war of 1971. India's intervention in Bangladesh has been one of the most crucial cases in the decades after Nehru, as India's domestic decision making in terms of intervening in the 1971 war not only helped to assess about India's engagement with the norm of humanitarian intervention by its policy makers. Apart from unpacking India's own localization of the norm of humanitarian intervention in its foreign policy, set in the background of cold war politics, India's handling

of the crisis also impacted the way the norm was perceived by the international community particularly about the legitimacy of "use of force". India's involvement in liberating Bangladesh underpinned legal and political debates in the international community revolving around the questions of sovereignty and interventions based on humanitarian considerations. Bass (2015) in his analysis of the 1971 war puts out India's disposition towards the humanitarian crisis that garnered in the neighbourhood amidst the cold war environment. In his argument, Bangladesh intervention is paramount for our analysis as India's approach towards the crisis which was a deviation from the conventional notion of the Asian viewpoint regarding sovereignty as a sacrosanct entity (Bass 2015:230-231). The decisions that are taken by Indian policy makers in the Bangladesh problem also challenges Acharya's notion that South Asian countries had a strong adherence to non-interference and therefore lack normative humanitarian commitment (Acharya 2004; Negrón- Gonzales and Contarino 2014). India's response to the crisis not only emphasized its own positions regarding the norm of humanitarian intervention but also ensured that India's agency played a crucial role in shaping the global norm. It, therefore, reflects India's stand for human rights violations and how it had situated sovereignty when it comes to such acute humanitarian crisis as was seen in the Bangladesh crisis during Indira Gandhi's leadership.

The Bangladesh crisis transpired immediately after India's Parliamentary elections of 1971 which restored the power of the Indira Gandhi-led Congress Party with a two-thirds majority. Sahgal (2012), in her memoir on Indira Gandhi, calls this phase the 'new dawn' that marked "the beginning of a political era promising great new momentum"(Sahgal 2012:111). However, this beginning saw one of the biggest humanitarian and security challenges in India's neighbourhood in what was then known as East Pakistan. In the words of Jayakar (1992), amid of the euphoria of her victory and building up of the new agenda for the country, the Prime Minister's attention was diverted from the events at India's doorstep. But while the 1971 elections captured the attention of Indira Gandhi, she was nevertheless aware of and updated about the tense political environment that was building up in East Pakistan through her principal advisor, P.N. Haksar.

In the Haksar Memorial lecture series, former Foreign Minister of Bangladesh, Mr Kamal Hossain and Mr Muyeedul Hasan, a close associate of the late Mr Tajuddin Ahmed, Prime Minister of the Bangladesh Government in exile, highlighted P.N Haksar's role in the liberation of Bangladesh (Banerjee 2004). Haksar played a special role as Secretary to the Prime Minister in the inner council of decision-making and was the main advocate behind the key decisions of

the 1971 war. These critical decisions regarding the levels of support provided by India during the liberation war of Bangladesh was considered to be India's finest hour (Hossain 2004:17). It was Haksar's political wisdom that urged the coordinated and unified efforts by the pro-liberation forces which were necessary for victory (Hossain 2004: 17).

Ramesh (2018) mentions that while Indira Gandhi was the political leader who deserved all the credit for the 1971 events, P.N. Haksar was the main 'sootradhar' of 1971 events. As early as on 5th January 1971, when Indira Gandhi was preparing for the upcoming elections in India, she received a letter from Haksar regarding the political developments in East Pakistan (Ramesh 2018: 189). He mentions in the letter, "a sense of uneasiness about the intentions of Pakistan in future" and the "need to make a very realistic assessment both of Pakistan's capabilities and our response" (Ramesh 2018:190). Haksar's note pointed out very clearly that an 'external adventure' may be seen as the solution in Islamabad to resolve Pakistan's internal problems (Ramesh 2018:189-190). Hence, it was Indira Gandhi's political leadership mentored by P.N Haksar which was largely responsible for the localization of the norm of humanitarian intervention in the 1971 crisis in India's foreign policy. Hossain (2004) argues through the support to the pro-liberation forces, India's political leadership not only united the neighbouring country but also the diplomacy conducted by it achieved extraordinary success in the cold war environment.

Before delving further into India's humanitarian considerations with respect to the Bangladesh crisis, it is essential to provide a brief historical background of the political events that led to the 1971 war. The chapter does not embark on a detailed analysis of the history of the crisis but put forward those political events that would useful to outline India's interventionist position with regard to the emerging crisis in the neighbourhood. Therefore the brief historical narrative is important to situate India's disposition towards the human rights violations in East Pakistan.

2.1. Prelude to the 1971 War

This section, therefore, discusses the historical events that led to the 1971 liberation war. Raghavan (2013) has argued that most of the existing literature has explored the historiography of the liberation war of Bangladesh that occurred in the cold war environment through the lens of different political angles. The Pakistani perspective projected 1971 as a war of secession considering India to be an instigator for the Bengali separatism (Raghavan 2013: 5). But on the other hand, for Bangladesh, it has been the narrative of their national liberation and victory

through the rise of Bengali nationalism (Raghavan 2013:5). Similarly, oral historian Zakaria (2019) has put it out that while Pakistan saw the 1971 war through the lens of loss, calling it "Fall of Dhaka" or "dismemberment", for Bangladesh it has been the war for its liberation. A parallel narrative has existed about the 1971 war in both India and Pakistan, considering it to be the third Indo-Pakistan war (Raghavan 2013, Zakaria 2019). As a result, one thing has been clear from the 1971 war that there has not been any homogenous historical narrative about the crisis (Raghavan 2013, Zakaria 2019). However, beyond the various national narratives that exists on the Bangladesh Liberation war, Raghavan (2013) point out the impact of 1971 in the wider global context. The 1971 event is considered to be one of the most significant geopolitical events in the cold war decade which involved the role of several international actors. It also collided with three events that emerged in the 1960s and 1970s: continuation of decolonization that initially gained momentum in the 1950s and saw the rise of the Third world countries, continuation of the Cold war environment which began in Europe leading to ideological and security divide between the US and Soviet Union and lastly, the unfolding process of globalization (Raghavan 2013: 10).

While situating the 1971 war in the wider geopolitical context remains imperative, it also sparked the debates associated with humanitarian intervention. As the Bangladesh war took place in the cold war environment, the concept of humanitarian intervention was itself at a very nascent stage in the human rights discourse. Therefore, looking into the 1971 liberation war of Bangladesh through the lens of humanitarian intervention raises intense debates on sovereignty and human rights violations. Hence, India's involvement in the Bangladesh war was confronted with two arguments: Firstly, the legitimate enforcement of global humanitarian norms by India. As it was pointed out earlier, although the norm of humanitarian intervention was discussed and debated in the human rights doctrine in the cold war period, the application of the norm in terms of 'use of force' in cases of human rights violations is highly contested (Bloomfield 2016, Klose 2020). Although there was significant consolidation of the norm during the cold war period (Dunne and Staunton 2016), the prospects of implementation of the norm remained limited as it stirred questions related to sovereignty. While some of the internal humanitarian crises did acquire an international dimension, they were not typically constituted as a threat to international peace and stability (Bloomfield 2016). At the international realm this led to intense debates as to what constituted as a threat to 'international peace and stability' that allowed for intervention on the basis of use of force (Bloomfield 2016: 21; Dunne and Staunton

2016). These variations in interpretation also affected India's approach towards the norm in the 1950s and 1960s.

Therefore, India's internationalist pursuit allowed for armed intervention in those international crises which had established themselves as a threat to international order as permissible by the UN. In other words, India's relation with humanitarian intervention in the form of 'use of force' was only through global peacekeeping under the legitimate authorization of the UN in situations that constituted threats to 'international peace and stability'. Bommakanti (2017) mentions how during the Nehru period, institutional legitimacy was a very critical element of its global peacekeeping missions and humanitarian intervention. However, at the same time, India was a strong promoter of human rights and democracy in the cold war period and disagreed that sovereignty was the sole organizing principle at the expense of human rights (Mehta 2011:100). India was a vocal critic against the Western powers including the United States who wanted to shield the apartheid regime in South Africa from scrutiny on human rights grounds (Mehta 2011:100).

India was an ardent supporter of human rights, but its approach to the concept of intervention in terms of the use of force was limited in the early years of the cold war. This is because though the UN calls for intervention in the context of promotion and universal respect for human rights, this was not linked explicitly with the use of force which was acceptable only when there was a threat to international peace and security. Hence in the early cold war phase, under the leadership of Nehru, only humanitarian interventions authorized by formal institutions was was acceptable to India (Bommakanti 2017: 104).

The 1971 war under Indira Gandhi's leadership changed India's dynamics towards the norm of humanitarian intervention as it unilaterally intervened in its neighbourhood. While armed intervention was acceptable for individual states or in those cases that were a threat to the international order, it was rarely associated with humanitarian civilian protection in the cold war period. Although questions related to forceful intervention for the sake of protecting human rights emerged in the cold war decade, it was in the 1990s that there was an expansion in the Chapter VII powers of the UN into humanitarian concerns within domestic jurisdiction (Wheeler 2004:29). Hence, invoking armed intervention was controversial during the cold war environment, but India pushed the boundaries of legitimate intervention in significant ways in the Bangladesh crisis in the order vs. justice debate. Wheeler (2000:2) in his volume, *Saving Strangers: Humanitarian Intervention in International Society,* raises the question of how far

states have been able to consider humanitarian intervention as a 'legitimate exception' to sovereignty and non-intervention. In light of the human rights violation in Bangladesh, India's actions suggested that it was not simply at the receiving end of the spectrum in terms of enforcing global humanitarian norms. India's domestic leaders brought at the forefront the contestations regarding the emerging norm of humanitarian intervention in the cold war environment as it tested the conceptions of sovereignty, non-intervention and use of force through their decision making. Both houses of India's Parliament adopted a resolution as to describe the repression in East Pakistan as amounting to genocide and so, "their struggle and sacrifices will receive wholehearted sympathy and support of the people of India" (Wheeler 2000: 57). Indira Gandhi in her speech delivered in the Ramlila Grounds on Sunday, December 12, 1971, mentioned India's support to her neighbouring country in the hour of crisis,

> "We are fighting for the principle that all nations have a right to be free and that all people have a right to raise their voice provided they have legitimate demands. We have a firm conviction that when the voice of freedom arid justice and brotherhood is raised it always ultimately triumphs" (Gandhi 1971)

Despite the controversies surrounding India's intervention in 1971, Mehta (2011) mentions that it was "one of the world's most successful cases of humanitarian intervention against genocide" and India in effect applied what it is called as the principle of Responsibility to Protect in practice. Bass (2015) makes a similar argument in the context of the timeframe of the application of the norm of humanitarian intervention. According to him," if India had faced this crisis in 2011 rather than 1971, it would presumably have gotten a warmer reception for its arguments about human rights and genocide, and perhaps some of its other claims" (Bass 2015: 230). However, India's actions in the war showcased how the 'decision making at the domestic 'local' level moulded the global norm of humanitarian intervention at the global-local nexus in the changing international contexts of the cold war rivalry between the superpowers.

Second, factor has been the actual motive of India's domestic actors in enforcing such interventionist global humanitarian norms and what has been the outcome of the intervention. While India's actions shaped the debate on the global humanitarian norms, a lot of scholars have debated India's real intentions behind intervening in the neighbourhood. Scholars such as Glanville (2006) explored a series of cases in the post-1990s order differentiating between the prescribed and permissible norms of humanitarian intervention. In order to understand state responses to human rights violation through the application of the norm of humanitarian intervention, it can be seen that the norm of humanitarian action has always interacted with the

self-interest of actors. In India's case, a similar chain of arguments has been posited as well. Scholars such as Park (2016) have questioned whether India's humanitarian intervention has been on humanitarian grounds or was driven by the motive of self-interest. In this regard, he perceives that India's action was to weaken and dismember Pakistan, and thereby becoming the regional hegemon in the South Asian region (Park 2016). While discarding India's altruistic concerns to stop the Bengali genocide, Park mentions that India's intervention was solely motivated by its national interests. Even as early as 1971, contemporary commentators such as Bhattacharya (1971) indeed argued that India's intervention was necessitated not on the grounds of humanitarian considerations, but rather on realpolitik. As a result, Bhattacharya (1971) pointed out that such an interventionist one-time operation was the need of the hour of the country, especially for the 'destruction of Pakistan'. However, such arguments projected one side of the picture. Although geopolitical considerations and cold war rivalry politics was a part of the narrative, India effectively raised concerns related to human rights violations and the need to take action in the light of the massacres of the Bengali population. Indira Gandhi (1971), in her speech, asked "how could India have tolerated it as a mere on-looker particularly when lakhs of people were being butchered in a neighbouring country and were being crushed and their culture obliterated".

The humanitarian crisis led to a huge public demand within India for intervention in order to stop the atrocities. Public diplomacy also played a crucial role to mobilise the cause of the Bengali victims (Banerji 2021). India's strategic and diplomatic actions had a humanitarian connotation that cannot be discredited.

As a matter of fact, Wheeler (2000) justifies India's public legitimating reasons as a key determinant of its actions. Although non-humanitarian motives were present, they did not undermine a positive humanitarian outcome. Similarly, Cordera (2015) points out "unauthorized humanitarian intervention cannot always per se always be branded as deplorable, since in certain cases such a scenario is better than no intervention at all". Therefore, it becomes necessary to look at India's humanitarian considerations in a detailed manner and not only as a by-product of the geopolitical situation and strategic choices.

The enduring impact of the lessons India drew from it, especially the reaction of the Western powers makes it an important event whose lessons continued to profoundly shape many Indians' attitudes towards R2P today (Bloomfield 2016:73). Evidence of localization of the norm suggested the position of the norm and the trajectory of its course of development in

India's context. The decisions of India's leaders influenced the localization of humanitarian intervention in its foreign policy, along with its interplay with the international discourse of the norm.

However, before proceeding with India's response to the human rights crisis in the neighbourhood, a brief account of the historical roots of the conflict is explored. The examination of the historiography sets the backdrop for India's interventionist position. It weaves the events in the context of explaining the position of the global norm of humanitarian intervention i.e. what was the significance and challenges regarding the usage of the norm in the light of the emerging crisis in East Pakistan in further detail.

2.1.1. Brief Account of the Historiography of East Pakistan

The seeds of the conflict were rooted in the Bengali struggle for their rights soon after Pakistan got its independence with two discrete territories known as West Pakistan and East Pakistan (known as Bangladesh today after independence).The Bangladesh war was the culmination of a multiplicity of factors. According to Zakaria (2019), the refusal to accept Bengali as a state language in Pakistan since the time of the Partition, the economic disparity between the West and East Pakistan, the hegemonic control of the Western Pakistani elites over both the territories, implementation of the martial law and demeaning attitude towards Bengali culture were the basis of the tiff between the two territories. Raghavan (2013) too states that apart from a geographical divide between the two wings, there was a widening gulf between the two parts based on firstly, the question of language; secondly, economic disparity; and thirdly, the nature of the Western Pakistani ruling elites and their domination. All these factors cannot be put into straight-jacketed categories. In order to understand the narratives of the background events, this section is divided into three sections: the hegemonic control of the Western Pakistani elites, the language movement and the 1970 elections that ultimately sparked the liberation war.

- *Hegemonic Control of the Western Pakistani Elites*

The seeds of the conflict were rooted in the predominant control by the West Pakistani elites over Pakistan, which were separated into two wings by the Indian landmass after partition of India. Hence, the centralized nature of Pakistani polity and their discriminatory policies against the Bengali Muslims were largely responsible for the trouble between the Western and Eastern parts of Pakistan. This problem has been identified by most of the historians dealing with the 1971 war but some of the significant accounts have been provided by Schendel (2009) and Raghavan (2013). Both of their accounts showcased how the newly independent nation-state

of Pakistan, even though based on Islamic identity, failed to unite the two incongruous spaces of the West and the East Pakistan together. Raghavan (2013) blames that the shift from 'linguistic regionalism' to the sentiments of 'nationalism' that occurred among the people of East Pakistani Muslims as being only due to the dominating, tightly centralized bureaucratic-military of the West Pakistan elites. The ruling West started to feel threatened by the political demands of the Bengali Muslims residing in the East and sought to derail them from the very beginning of the 1950s (Raghavan 2013:7). Therefore, the concentration of political power in West Pakistan and their widespread political and economic exploitation of East Pakistan started to ignite nationalist sentiments amongst the Bengali Muslims.

As soon as Pakistan gained its independence in 1947, the new ruling party of the Muslim League, having attained a sovereign state, wanted to safeguard their political, religious, cultural rights and complete their economic emancipation (Schendel 2009: 109). Hence, the ruling party realised the requirement for a strong centralized state by welding the two 'wings' of the territories together. However, this was far different from the real picture. The newly independent country soon realised that Islamic identity was not a sufficient condition that could keep the country together (Schendel 2009: 109). From the very beginning, the confrontation started between the two territories over equitable distribution of resources- economic policy and food security. The concentration of economic power along with political power in the western wing led to a very unbalanced economic relationship between the West and the East – foreign investments were lower on the grounds of the low level of indigenous entrepreneurship and considerable political volatility and labour unrest in the East (Schendel 2009: 136). Also, the economic policies adopted by the successive Western governments did not benefit the people of East Pakistan (Schendel 2009; Raghavan 2013). The crack between the two provinces intensified over the question of the national language. The growing resentment amongst the people of the East wing confirmed that the unity was 'artificial' in nature (Schendel 2009:109). On a similar note, Avtar Singh Bhasin (2012) in his collection of documents on India- Pakistan from 1947 to 2007 mentions as well how the two territories separated by thousand miles was actually an artificial state. According to Bhasin (2012), the majority of the people were in the eastern wing but as the centralized power resided with the minorities of the Western wing with their capital at Karachi, it made the majority subservient to the minority.[2] The geographic

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[2] Schendel (2009) mentions that West Pakistan was larger than the two wings; however, East Pakistan was more densely populated. The first population census in 1951 revealed that Pakistan had 78 million inhabitants out of which 44 million resided in East Pakistan (which is 55 percent).

division was only one of the other many differences that the two wings had between them- "historically, culturally, ethnically, linguistically, socially and sartorially they were different people" (Bhasin 2012: XLI). The only common features that bound the two regions were their religion, but that too seemed to be challenged by the dissatisfied majority Eastern wing that were marginalised in terms of political power.

The Western ruling elites downplayed the political significance of East Pakistan's demographic and electoral majority by insisting on parity between the two wings, which was done to subdue the Bengalis' legislative and political influence (Raghavan 2013:7-8). Hence, the denial of the language of the majority Bengali Muslims along with their political and economic discrimination made the East Wing of Pakistan to separate itself from the hegemonic control of the West Wing.

- *The Language Movement*

It was discussed that the unequal distribution of resources and political power widened the gap between the West and the East wing. The confrontation between the East and the West wing marred the idea of a Pakistani nation. The biggest crack that occurred in this regard was on the question of language between the two wings. At an education summit that was held in Karachi in 1947, the West dominated Pakistani government made Urdu the national language, discarding completely the language of the 44 million East Pakistani who spoke Bengali as their mother tongue. As a result, the proposal made by the Pakistan Educational Conference of November 1947 was opposed by the representatives from East Pakistan. According to Schendel (2009), the language issue became the focal point of the conflict because imposing Urdu was seen as an attempt to 'Islamise' East Pakistan. Therefore this triggered protests amongst students, leaders and politicians and also led to the formation of the Language Action Committee in December 1947 (Schendel 2009: III). The founder of Pakistan, Mohammad Ali Jinnah chided the people of the eastern wing for demanding equal status for their language (Bhasin 2012: XLII). West Pakistan's rejection of the Bangla language led to the strengthening of the Bengali Language Movement. This fight which initially started off to establish Bangla as the official language gradually became an agenda for the right to identity and self-determination.

The movement gained further momentum in the year 1952 when Jinnah's standpoint was reiterated further by Prime Minister Khwaja Nazimuddin which led to widespread agitation and protests when he announced that only Urdu could remain as the national language. The student community of Dhaka University went on strike and called for a protest march on 21st

February 1952. The hardness with which the protest march was crushed by the brutal force of the police resulted in the death of students and protesters. The 1952 incidents marked a "sharp psychological rupture. For many in the Bengal delta, it signified the shattering of the dream of Pakistan" (Schendel 2009). The 1952 language movement, therefore, strengthened the sentiments for regional autonomy amongst the East Pakistanis which eventually culminated in the 1971 war. The language movement continued till 1956 where the Pakistani Constituent Assembly agreed to accept Urdu and Bengali both as state languages.

The 1952 incident also became important because it turned the East Pakistanis completely against the Muslim League government. This became evident in the first provincial assembly election in 1954 where the United Front came to power by winning the majority seats based on their *Ekush Dofa* or the twenty-one point's charter campaign that called for a greater role of East Pakistan at the national level and complete autonomy of the province (Schendel 2009:116; Raghavan 2013:8). The United Front was the amalgamation of a number of parties that came together for a pan-Bangla alliance consisting of the Awami League, Krishak Praja Party, Nizam-e-Islam and Ganatantrik Dal. In this regard, a crucial role was played by the East Pakistani nationalist leaders such as Maulana Abdul Hamid Khan Bhashani and Suhrawardy, both of whom broke away from the Muslim League and later became a part of the Awami Muslim League (Bhasin 2012:510; Schendel 2009:113). This also included Sheikh Mujibur Rehman who was going to play a major role in East Pakistan's freedom struggle in 1971.

But, in 1958 the first coup d'etat took place by imposing martial law and General Ayub Khan coming to power. With the new general coming to power, the United Front was quickly dismissed and the democratic state apparatus was completely brushed aside thereby planting the seeds for regional autonomy among the East Pakistanis (Raghavan 2013:8). Although the fissures between the West and the East had their roots associated with the language movement of 1952 and the incidents following it, the national liberation struggle only took a protracted shape in 1971. This was because many of the Bengali elite leaders still wanted to work within the framework of a united Pakistan and find accommodation with the central leadership (Raghavan 2013:8). As Ranjan (2016) points out, Mujib backed Suhrawardy in his quest for a role in national politics despite his disenchantment with the reality of a united Pakistan. He further shows how Mujib simultaneously hoped to preserve the unity of Pakistan under a federal structure and to seek national leadership by leveraging Bengali's potential electoral majority (Ranjan 2016:3-4).

However, it was the events of the 1960s where the politics of Pakistan took a turn making regional autonomy a non-negotiable demand of the Bengali political leadership (Schendel 2009; Raghavan 2013; Ranjan 2016). By the 1960s it was clear to the East Pakistani elites that their struggle to get a better deal at the national level would not bear fruit and therefore, regional autonomy was the only way out to fulfil their interests (Schendel 2009: 121). Further, the denial of opportunity to form government despite the Awami League winning the majority seats marked the end of the dream of united Pakistan (Ranjan 2016:4).

The widening gap between the East and Western frontiers based on politics and economics along with the realisation of Bengali political leaders that the democratic system of government was a distant dream for sustaining a united Pakistan reflected how the power structure crumbled with East Pakistan ultimately demanding self-determination.

- *The 1970 General Elections and the Liberation war of 1971*

The 1970 elections proved to be the ultimate cause for the separation of the East wing of Pakistan from the West. General Yahya Khan took over control after Ayub Khan was forced to step down in 1969. Yahya Khan took a different path, of reconciliation over confrontation, and announced that political activities would be restored from the early 1970s Pakistan's first general elections for the National Assembly were scheduled towards the end of the same year. However, despite winning the overall majority in the Pakistan National Assembly, the Awami League was not allowed to form the government and Sheikh Mujibur Rehman was eventually arrested. Given the demographic majority of Bengali speakers in unified Pakistan, they were expected to wield more influence and secure autonomy (Bloomfield 2016:73). Instead, the League which won the 1970s elections by an absolute majority, was prevented to form government by the Urdu speaking President and throughout 1970 negotiations broke down irrevocably (Schendel 2009:125, Bloomfield 2016:73).

Yahya Khan was joined in by Zulfikar Ali Bhutto as "both the military-bureaucratic elite and the West Pakistani politicians, found this unpalatable" (Schendel 2009: 125). Bhutto wanted his share of power, which Mujib denied. As a result, there was chaos and confrontation which made it clear that unified Pakistan was not possible in reality (Schendel 2009:125)

At the negotiations in mid-March of 1971, none of the three parties could come to a common consensus. At a broadcast to the people of Pakistan, President Yahya Khan spoke about the deadlock of the negotiations regarding transfer of power. He argues about his wilful position

regarding "peaceful transfer of power" and removal of martial law, despite the flawed propositions of the Awami League which also included dividing the National Assembly into two parts: one consisting of the members of East Pakistan and the other consisting of the member of West Pakistan (Khan 1971: 1352). However, Khan (1971) agreed on this only if one condition was fulfilled: all the political parties should unequivocally agree to this scheme (Khan 1971). However, the political parties considered "dividing the National Assembly in two parts (between East and West) from the very start" was against the "integrity" of Pakistan and opined for an Interim Constitutional Bill (Khan 1971:1352). The Interim Bill was important because as soon as the Martial Law would be lifted, it might lead to a situation of chaos, and therefore, till the time the transfer of power was successfully transitioned, the Bill was important for maintaining law and order (Khan 1971:1352). Therefore, the political leaders were to meet Mujibur Rehman and convince him to agree to the Interim arrangement for the transfer of power to emanate from the National Assembly (Khan 1971).

Although Yahya Khan showed his willingness to accept the Six-Points programme, granting a far-reaching autonomy to Pakistan (Schendel 2009: 129), the 'conditions' stated by General Yahya Khan on the negotiation table clearly suggested the reluctance of West Pakistan to actually work out a political solution to the problem in real terms. Jayakar (1992) in her biography on Indira Gandhi has mentioned how Yahya Khan, along with the army and the bureaucracy, "refused to consider the democratic rights of their fellow Pakistanis". He was joined in by Zulfikar Ali Bhutto, the leader of the Peoples Party of Pakistan (PPP) to resist any move on the part of the Awami League to seize power (Jayakar 1992:221). While the negotiations between the two wings were still active, West Pakistan decided to go for a military solution to the crisis on 25th March 1971. As a result of this, a systematic reign of terror was unleashed when West Pakistan sent 40,000 troops to East Pakistan leading to merciless slaughters and ultimately the arrest of Mujibur Rehman (Jayakar 1992:222). In his speech in Islamabad, General Yahya Khan's intentions were pretty clear, "I should have taken action against Sheikh Mujibur and his collaborators weeks ago..." but he only waited so that not to "jeopardise my plan for a peaceful transfer of power" (Khan 1971). General Yahya Khan considered Mujibur's decision for non-cooperation to achieve regional autonomy as an act of treason (Khan 1971). Therefore, "it is the duty of the Pakistan armed forces to ensure the integrity, solidarity and security of Pakistan. I have ordered them to do their duty and fully restore the authority of the Government" (Khan 1971). So, for bringing back normalcy and to control the secessionist elements, General Yahya Khan banned the Awami League as a political

party and imposed Press censorship along with targeted killings in East Pakistan. This brutal force on Dhaka and all over Bangladesh ignited the Bangladesh Liberation War in 1971 (Schendel 2009: 130).

2.2. The Spill Over Effect on India

The conflict between West and East Pakistan resulting in East Pakistan's liberation war to establish autonomy had a spilling effect in neighbouring India. India played a major role in helping East Pakistan in attaining its independence. As discussed previously, India's intervention in Bangladesh, although driven by its strategic ambitions, also met the aspirations of the people who wanted to be liberated from the hegemonic control of West Pakistan. India's victory in the 1971 war and the debates it unfolded has been discussed by several scholars, but the most prominent ones have been Raghavan (2013), Bass (2013) and Ramesh (2018) - all of them have used considerable use of P.N. Haksar's archival literature. One of the most prominent of these narratives has been what has been India's purpose for intervention. In this regard, Dogra (2020) has mentioned that India's intentions behind 1971 have continued to preoccupy the world. When Haksar visited the Shah of Iran on 24th January 1973, the Shah anxiously asked him whether India was interested in breaking up Pakistan (Dogra 2020:53). This argument for breaking up Pakistan and fulfilling its strategic interests in the region has been brought up *prima facie* by several scholars dealing with the 1971 issue. Ayoob (2018) in his piece titled 'Explaining 1971' argues "India's intervention achieved strategic objectives while maintaining a humanitarian veneer". He further makes the point that India's altruism was only a small part of it- it was based primarily on realpolitik (Ayoob 2018). Borrowing from India's strategic thinker K.Subrahmanyam, Ayoob (2018) points that it was an 'opportunity of the century' to break up Pakistan and eliminate the threats of a two-front confrontation in the future. This has been, for that matter, the prevailing international opinion that India acted unilaterally and encouraged separatism in East Pakistan (Bloomfield 2016:21). Therefore, expanding from the above sections, it is seen that the international literature has considerably remained divided over the motives behind India's actions in 1971. Bass (2011) has argued that India was "motivated by a mix of lofty principles and brutal realpolitik". Similar debates on the motives behind India's intervention has been discussed by Hall (2013) and Ganguly (2016) in their research pieces. In their opinion, it would be a mistake to claim that India's intervention did not have any humanitarian concerns. Wheeler (2001) makes the point that India's actions having positive humanitarian implications although not motivated primarily by humanitarian principles.

However, it can be suggested that putting India's intentions behind the intervention into compartments of morality or that of interest has its shortcomings: first, it ignores a detailed discussion of the multifaceted dimension of India's foreign policy attributes. Second, it oversimplifies the historical intricacies that led to the suffering of the people of the East Pakistani province and their demand for freedom that eventually led to the birth of Bangladesh.

The one-sided lens does not allow us to look into the fact that the 1971 episode ushered in a new set of challenges for the evolution of the norm of the humanitarian intervention itself and simultaneously, India's association with the norm in the cold war period. Most importantly, it needs to be taken into account that the strategic objectives that India achieved in 1971 did not downplay the humanitarian character of the war. Hence, it would be unjustified to consider humanitarian considerations as always standing antithetical to interest and operating at a minuscule level.

While it was in India's interest to intervene, the decisions taken by Indira Gandhi and her associates in the context of going for a full-fledged war brings into the limelight the scope and position of the norm of humanitarian intervention by Indian actors. The political narrative that unfolded regarding India's unilateral intervention in its neighbourhood brought into the limelight the complexities surrounding the usage of the norm of humanitarian intervention as a practice in the cases of human rights violations. In fact, Cordera (2015) who argues that India both had hidden and open reasons for intervention also mentions how the 1971 events unfold the intricacies and convoluted aspects of humanitarian intervention because of the inability of the UN to intervene. She opines that under such circumstances two outcomes are prevalent: one is the continuation of the genocidal massacres and the other is unauthorized intervention by regional power who might act according to its own interests (Cordera 2015: 45). However, in such situations, intrusion by a regional power through unauthorized armed intervention becomes a necessity than no interventions at all (Cordera 2015:45).

Moreover, India's decisions related to the crisis in East Pakistan also suggests about its considerations for sovereignty. India found itself in a tight position as many states felt India's humanitarian justifications for its actions were less compelling than Pakistan's territorial integrity which was destroyed in the process (Malone and Mukherjee 2013: 160). India had to resort to the clause of self-defence in order to justify its unilateral actions to the Security Council (Malone and Mukerjee 2013; Bloomfield 20167). India's archival records suggest the dilemmas that the Indian actors faced before it intervened for the sake of East Pakistan's cause.

Bommakanti (2017) arguments are extremely vital in this regard. He critiques Hall (2013) and other scholars who failed to establish that 'beyond the ulterior motivation', it is necessary to look into the internal deliberations that occurred prior to the 1971 intervention. Such historical facts are important linkages to understand India's localization for humanitarian intervention. It also shows the need to look into the complex interplay of the various factors that pushes for such interventions. Hence it is important to take into account the sequence of events that created an environment for India to intervene in Bangladesh.

Despite the claims that Indian leaders stirred up the rebellious processes in Pakistan (Bass2013; Cordera 2015), Indian leaders actually delayed the process of intervention using force in its neighbourhood crisis. Records of 1971 definitely reveal the internal contradictions of the political leaders in the decision making regarding a military solution to the conflict. While one side of the narrative suggests India was buying time to train the Mukti Bahini forces and waited for the right time to initiate a military response, the other side of the narrative argues how India was actually considerate about Pakistan's sovereignty and approached the international platforms for a concrete solution for the problem. Sisson and Rose (1992) in this regard point out how Manekshaw stated that Indian army was not prepared for an offensive operation in East Pakistan or face the West Pakistani military counterthrust and needed six to seven months to prepare for conflict on both fronts. Moreover, India understood the requirement of having a Bangladeshi force, Mukti Bahini onboard for the cause thereby organizing and training them for guerrilla and conventional warfare for military action (Sisson and Rose 1992:209). But, India's increased involvement with Mukti Bahini in July and August raised strong apprehensions in Pakistan that these were "initial stages of a limited Indian military intervention in East Pakistan in immediate premonsoon period" (Sisson and Rose 1992:2011).

While Manekshaw's account has dominated most of academic literature on the 1971 event, archival historians like Raghavan (2013) and Ramesh (2018) dismissed these arguments. According to Ramesh (2018), there are no historical or internal documents that supports Manekshaw's arguments that Indira Gandhi was impatient for an early intervention in April 1971 itself. Similarly, Raghavan (2013) opines that the fact that Manekshaw dissuaded Prime Minister Gandhi who wanted to undergo for a military intervention on April 1971 itself was perhaps "one of the most tenacious of all myths of 1971 crisis" (Raghavan 2013:67). Further, India's archival records have rendered support to India's argument for sovereignty extensively, particularly P.N. Haksar's documents. Raghavan (2013), Bass (2013, 2015) and Ramesh (2018) used these private records to explain India's internal decisions when it comes to the

1971 crisis. Their arguments encapsulate how Indian decision makers deferred its intervention in Bangladesh considering Pakistan's sovereignty. Although Haksar, Indira Gandhi's principle advisor was concerned about the plight of the Bengalis, he was not in favour of intervention on behalf of East Pakistan as it would violate the sovereignty of Pakistan (Bass 2015:238).

Hence, India like other countries of the international community particularly the US did consider Pakistan's argument for sovereignty. As Haksar argues, "interference in events internal to Pakistan will not earn us either understanding or goodwill from the majority of nation-States" (Bass 2015:238). Indira Gandhi, on the initial developments of the crisis in Lok Sabha in 1971 deeply condemned the agony imposed on the people in East Pakistan and also shown her full support to Mujib's government, "...Shri Mujibur Rehman has stood for the values which we ourselves cherish, the values of democracy, the values of secularism and the values of socialism...we are no less of sorrow and even agony at what is happening there.." (Gandhi 1971a). At the same time she mentioned "the House is fully aware that we have to act within international norms" (Gandhi, 1971a). But while she mentioned about following international norms, she was also of the opinion that, "there is no point in taking a decision when the time for it is over" (Gandhi 1971a). Hence, although India under the leadership of Indira Gandhi respected the boundaries of international norms, it also realised the necessity of taking adequate actions in a timely manner.

India's stance shifted towards the crisis eventually as the domestic matter of Pakistan acquired an international dimension. Haksar's letter mentions, "What would otherwise have remained an exclusively domestic situation, or problem, has thus assumed international proportions" (Bass 2015:271). The influx of refugees from East Pakistan, fleeing from the atrocities of West Pakistan, created a grave humanitarian crisis in the South Asian region and a huge pressure on India specifically. Mrs. Gandhi said "Our experience of the influx of refugees and the preposterous propaganda by Pakistan has reinforced the fact that what is happening in Bangladesh does have many-sided repercussions on our internal affairs" (Gandhi, 1971b:11613).

As a result, Prime Minister Indira Gandhi consistently tried to approach the wider international community particularly the UN for a solution to the problem. In her Lok Sabha discussions she further opines, "...It is an Indian problem. More, it is a world-wide problem. The international community must appreciate the very critical character of the situation that has now developed"

(Gandhi 1971b). She was also of this view that, "it is a problem that threatens the peace and security of India and indeed, of South East Asia. The world must intervene to see that peace and security is re-established and maintained" (Gandhi 1971b).

However, the international community's slow deliberation and negligence regarding the atrocities faced by Bangladesh only added on to India's problems. Sisson and Rose (1992) argues, "New Delhi expended considerable time and effort in seeking to convince the world of the rightness of its cause and urging the major external powers to try to make Pakistan 'see sense'". But as the atrocities of Pakistan increased, India had to increase its intensity of preparedness and realised it had to find a solution to its own problems. As Bommakanti (2017) correctly mentions, when multilateralism did not work, unilateralism paved the way for intervention. Indira Gandhi in one of her speeches at Moscow mentions, ". . . we kept out of it as long as we possibly could. It was not an ordinary war" (Gandhi, 1971d). Moreover, at the domestic front, India had a huge public and parliamentary pressure building up to take an active action in the 1971 crisis (Sisson and Rose 1992). For e.g., as opposed to Haksar, Jayprakash Narayan who was the leading opposition leader at that time observed: "…what is happening in Pakistan is surely not an internal matter of that country alone" (Bass 2015: 238).

Hence, we see how multiplicity of factors in India's internal deliberations played a crucial role in creating an environment for a favourable outcome based on humanitarian character. India response was the culmination of (i) the cold war politics, (ii) indifferences faced at the UN (ii) growing domestic pressure for intervention (iii) internal refugee problem and last but not the least (iv) demand from the government in exile from East Pakistan seeking help from India. Therefore, push and pull of internal and international parameters favoured for the localization of the norm of humanitarian intervention. The simultaneous operation of these factors invoked a response that was humanitarian in nature. We analyse India's shifts in the context of its response in the case of Bangladesh crisis thereby localizing the norm of humanitarian intervention in the next section.

2.2.1. *India's Responses to East Bengal Crisis*

The above debates on Bangladesh crisis suggest that India's position regarding the events of 1971 under the leadership of Indira Gandhi and her team, evolved gradually, yet decisively. Although, India's own internal dynamics played an important role in the 1971 war, the humanitarian character of the war cannot be side-lined. India's initial response to the crisis was

neutral, considering it to be Pakistan's internal matter, but Prime Minister Indira Gandhi constantly showed her support and sympathy towards the people of Bangladesh since the beginning of the crisis. In a resolution passed in the Parliament on 31st March, 1971, Indira Gandhi points out, "this House expresses its profound sympathy for and solidarity with the people of East Bengal in their struggle for a democratic way of life" (Gandhi 1971c) based on the draft prepared by her principal adviser PN Haksar, who played a key role in the crisis.

India through its solidarity messages regarding the emerging crisis in East Pakistan, did invoke humanitarian considerations about the people of East Pakistan. In fact, she was of the opinion that "the problem was created by calculated genocide" (Gandhi 1971b:11613) that submerged the democratic rights of people and forced people to move and take refuge in India. Further, Indira Gandhi also linked how a democratic government in East Pakistan was necessary for the restoration of fundamental human rights.

> She argued, "the question of secession is also raised, if I may say so. It is conveniently forgotton that the majority of Pakistan's people live in the Eastern region. In a democratic system majority does have certain rights. They cannot be accused of secession if they assert those rights" (Gandhi 1971b:11613).

India's involvement in the Bangladesh crisis developed steadily in phases and Haksar was the central figure who balanced India's response to the crisis. Ramesh (2018) in his book, *Intertwined Lives: P.N Haksar and Indira Gandhi* discussed this gradual evolution in India's response to the crisis. His usage of Haksar's documents also shows how India's evolution was actually masterminded by Prime Minister Indira Gandhi and P.N Haksar. Ramesh (2018) discusses the political nuances that led the country to take a stand against the human rights violation in East Pakistan. Haksar advised the prime minister that the Government of India must move with a great deal of circumspection and 'not allow our feelings to get the better of us' (Ramesh 2018:202). Indira Gandhi was in line of agreement with him and it was Haksar's arguments that she followed largely in the Parliament on 31st March 1971 (Ramesh 2018:202).

However, India soon realised what it initially considered as an internal problem of Pakistan was gradually becoming an increasing threat to peace and stability for India and the entire sub-continent due to the huge influx of refugees fleeing from persecution, as a result Prime Minister Indira Gandhi tried to find a political solution by appealing to the world community. The Prime Minister reminded the governments of the world and particularly the great powers that they

have a "special responsibility" to bring about a political solution (Gandhi 1971d). With all due respect to the sovereignty of Pakistan, Indira Gandhi tried to negotiate for a peaceful political solution to the problem, "we are convinced that there can be no military solution to the problem of East Bengal" (Gandhi, 1971d). Even Haksar in one of his responses to the US administration writes, "We in India are not seeking conflict. In fact, we wish to avoid conflict. We want a peaceful solution..." (Ramesh 2018:210). As a result, India's diplomatic campaign went underway where India's cabinet ministers including Foreign Minister Swaran Singh to pressurize West Pakistan to offer a political solution to the problem in East Pakistan that would be acceptable to Awami League and that would preserve peace and stability of South Asia (Sisson and Rose 1992: 188). In a proposal submitted to UNESCO on 17th May, India illustrated what it considered to be the minimum requirement for a peaceful solution: the restoration of human rights and the introduction of rehabilitation measures in East Bengal and to create of a situation that would allow the refugees to go back to their homeland (Sisson and Rose 1992:188). In her parliamentary meetings, Indira Gandhi consistently raised the plight of the condition of the refugees and also simultaneously discussed about a permanent solution for the problem (Gandhi 1971e)."What are we concerned about the lives and comforts of the refugees, but we are even more concerned about the problems of democracy, the problem of human rights and the problem of human dignity" and mentions the need to put the problem in its perspective (Gandhi 1971e). However, Indira Gandhi's proposal for a political settlement for the matter only met with disappointment. The negotiations at the diplomatic tables did not bear much fruit, and in a speech delivered in June Gandhi stated that "...If international pressure through whatever means available to big power is exerted...political settlement would have been possible at an earlier stage", but however, "with each passing day this possibility has become remote" (Gandhi 1971e). Although the efforts put in by the Indian government to end the crisis faced by the refugees were careful strategic and diplomatic moves, but India consistently in her own parliamentary sessions and in her appeal to other governments made aware of the acute human rights violations that the people suffered from during the crisis. Kidwai (2019) points out that between March and October 1971, Indira Gandhi not only wrote letters to the world leaders, appraising them of the situation on the Indian border but also visited Moscow and undertook a 21 days tour of Germany, France, Britain, Belgium and the U.S. Through her visits to all these countries she tried to arouse the world's conscience over the merciless butchering of the civilian population in East Pakistan undertaken by General Tikka Khan (Kidwai 2019). In a speech delivered at the Press meet at the National Press Club in Washington in November 1971, the Prime Minister raises the point that "what is taking place

there is not a civil war...it is a genocidal punishment for having voted democratically", she further questions "is there no threat to peace when a whole people are massacred?" (Gandhi 1971f).

The lack of adequate support from the international community to help India resolve the massive exodus of the refugees and bring Pakistan for a political solution to accept the demands of the Awami League government shifted India to resort to a more interventionist military solution. However, Indira Gandhi started her preparations for this military solution from the initial phase of the crisis in case it becomes a necessity in the future course of action. Hence, although she was keen for a peaceful political solution to the conflict, Indira Gandhi did not completely discard the option for a military resolution to the conflict if the time arises. Indira Gandhi hinted about such action in her parliamentary session in May, 1971. She said that "if the world does not take heed, we shall be constrained to take all measures as may be necessary to ensure our own security and the preservation and development of the structure of our social and economic life" (Gandhi 1971d). Raghavan (2013) states that "Gandhi's strategic outlook was shaped by an assessment prepared earlier in the year on the threat posed by Pakistan". Therefore, although India did not decide to go on for a full-fledged war in early 1971, it nevertheless wanted to prepare itself for a Pakistani attack in the western border in response to India's interference in the east (Raghavan 2013: 68). It also wanted to secure itself from a probable Chinese intervention (Raghavan 2013:68; Cordera 53). Indira Gandhi realised that a situation might arise in near future where war becomes an inevitable phenomenon. As a result, India trained the Mukti Bahini forces from July to mid-October and following Kao's advice, Indira Gandhi supported a guerrilla movement by Awami League (Sisson and Rose 1992; Raghavan 2013). However, according to Ramesh (2018) it was Haksar who was firmly convinced that no military operation would be possible without insurrection from the inside in East Pakistan. Hence, two parallel discourses existed together when it comes to India's intervention in Bangladesh and these two discourses have also divided the viewpoints of the academicians dealing with the issue of 1971. According to Singh (2019), India was setting its assistance to Awami League while morally it has declared itself to a natural culmination of the crisis.

 On one hand, some scholars believe that India was buying time from the international community in order to prepare itself for a full-fledged open war against West Pakistan because of the deteriorating humanitarian situation (Cordera 2015:53), while the other narratives supported the argument that military intervention was to be the last resort if all political and

diplomatic means have failed (Ramesh 2018:209). In his recent account, Singh (2019) points out that two competing images existed in India's 1971 intervention:

> one was from R.N.Kao, RAW Chief who perceived the crisis in more ominous terms and advocated an advantageous realpolitik to exploit Pakistan's internal fissures. A second image was represented by sections in the MEA, who perceived the crisis in more benign terms and advocated a non-interventionist posture.

These two images have manoeuvred the discussions on India's motives behind armed intervention. Although, India's policy makers under Indira Gandhi were driven by the assessment of multiple possibilities and developments, it was the growing humanitarian issue and the inaction of the international community to provide a political resolution that finally culminated into a war in December 1971. India did take one step at a time to resolve the humanitarian crisis of Bangladesh which it considered to have become a threat to international peace and stability of the entire region. While Indira Gandhi was aware that an open military intervention might become a necessity in the final stage, she also wanted to create conditions to enable the safe return of the refugees to their homes as early as possible and hence wanted a political solution to the problem (Dasgupta 2011). Gandhi and Haksar indeed understood the humanitarian plight of the refugees as they believed that although border inhabitants offered hospitality to the victims, economic and political stability of the entire border regions would be in danger unless the refugees are not returned to the homeland. Jayakar (1992) argues that Gandhi realised that "the problem of the refugees was an international one and the burden of their support should be borne by the international community". However, much to the dismay of Indian government, all the heads of governments who promised financial help were unwilling to take any initiative against Pakistan (Jayakar 1992:231). In one of her Lok Sabha speeches in December, she argues,

"We repeatedly drew attention of the world to this annihilation of a whole people to this menace and to our security, Everywhere the people showed sympathy and understanding for the economic and other burdens and the danger to India. But Governments seemed morally *and politically* paralysed. Belated efforts to persuade the Is1amabad regime to take some step which could lead to a lasting solution fell on deaf ears" (Gandhi 1971g)

Hence, by the time she returned to India, she was convinced that war was inevitable (Gandhi 1992:234). India's initial commitment to preserve Pakistan's sovereignty got gradually converted to a more interventionist position with the deteriorating situations. Indira Gandhi guided by Haksar already assumed this possibility way back and was started preparing the

Mukti Bahini forces at home. Jayakar (1992) argued that her instinct rarely betrayed her in the early years and sensed that these developments would inevitably lead to war (Jayakar 1992:222). Hence, the humanitarian character of the refugee issue and the inaction from international community paved the way for India's humanitarian intervention. Indira Gandhi did mention in her speech that "..but if they fail...and I sincerely hope they will not- then this is suppression of human rights" (Gandhi 1971d).

Also, India did not have any early plan for dismemberment of Pakistan as mentioned by several scholars. In fact, Dasgupta (2011), argue that "records show that New Delhi had no prior intention of dismembering Pakistan". Rather, "at the beginning of the year, India had hoped for a united Pakistan in which the eastern wing exercised a degree of influence proportionate to its population". This argument has been further supported by Singh (2019) who uses the archival records of India's then High Commissioner to Islamabad, Krishna Acharya to prove the stance that it would have been in India's interest to fulfil its political objectives through a unified Pakistan with Awami League as its dominant political voice (Singh 2019: 271). But, Pakistan's brutal human rights violation in East Pakistan together with its rejection of Mujibur Rehman's six-point programme made India realise that secession was evident. As events moved rapidly, even Haksar who initially advised Gandhi that they need to be cautious about Pakistan's sovereignty and membership at the UN, took a moral revulsion and opted for an interventionist stance (Raghavan 2013). The mounting pressure emanating from the situation made it obvious that distant countries could temporize about sovereignty, but India could not view the developments in East Pakistan with 'calm detachment' (Bass 2015: 239). Further two other factors created an environment for India's intervention leading to a humanitarian outcome: first, the pressure from the government in exile of East Pakistan and second, pressure from India's public and parliament.

From the beginning of the crisis, she extended her support to the democratic elected Awami League and was in favour of Mujibur Rehman to come to power. In the beginning, as it was seen before, the leaders in New Delhi had a similar aspiration like the Awami League: a unified Pakistan with the establishment of a more democratic elected friendly government in the neighbourhood. The military crackdown however, ended the hope for a unified Pakistan (Singh 2019: 276). Moreover, India was constantly receiving cables from Mujibur Rehman, regarding help in the critical hour since mid-March itself (Singh 2019: 275). However, TN Kaul,who was the foreign secretary during that time, opined that India should not support any secessionist

tendencies (Dasgupta 2011). India also feared that secessionist tendencies might lead to a demand for integration with West Bengal and United Bengal would come under the rule of pro-Chinese Marxist (Dasgupta 2011). However, this internal political conflict got converted to a humanitarian crisis with the huge influx of refugees.

As soon as the military crackdown took place on 25th March 1971 massive wave of sympathy for the people of Bangladesh was generated in India and the Awami League leaders announced the formation of government in exile in Calcutta with Tajuddin Ahmad as its head (Jayakar 1992:222). Although Indira Gandhi did not formally recognise the government-in-exile, it nevertheless allowed it to establish itself in Calcutta and offered assistance to East Pakistani resistance. Though still considering Pakistan's sovereignty to be crucial and trying to bring the international actors to the negotiation table, recognised the brutalities it to be an act of 'genocide' and a threat to international peace and stability. Moreover, Indira Gandhi's tactical choice to wait and bring about a political negotiation helped to have a wider dissemination of information about the violence perpetrated by the Pakistani against its own citizen (Bhagwati 2019:94). While it helped India as NATO members gradually became reluctant to give credence to Pakistan's claim that India was an aggressor, it also helped India to gain sympathy for the brutalities against the Bengali population. Articles on genocide, tortures and the horrors faced by the Bangladeshi people appeared in the world press (Jayakar 1992:226). Gandhi argues, "Today the world press is reacting more sharply and is devoting more space to this question" (Gandhi 1971e). Intelligentia all over the world came together for the cause and condemned the violence against the refugees and in France, Andrè Malraux who fought in Spain the Spanish Civil War, offered to take arms for Mukti Bahini (Jayakar 1992:226).

While the interest of India coincided with the interest of the people of Bangladesh and the lack of apathy from the international community created an environment to localize the norm of humanitarian intervention, it was also the domestic political pressure that played a crucial role to intervene militarily in the crisis (Sisson and Rose 1992, Jayakar 1992 and Raghavan 2013). According to Bommakanti (2017), "India's democratic system actually subverted its initial commitment to respect Pakistani sovereignty, as moral outrage of the Indian public and parliament towards the Pakistani Army's atrocities was overwhelming leading to military intervention". In India, prominent Muslim leaders criticised the aggression against the Bengali Muslims of East Pakistan. In a telegram to Prime Minister Indira Gandhi and Defence Minister Jagjiwan Ram, Maulana Syed Asad Madni who was the M.P and General Secretary of Jamiat-

ulma-e-Hind said, "I condemn the cowardly attack on India, on behalf of my party and myself I offer our services" and similar letters were written by the President of Muslim Majlis, Dr. Abdul Jalil Faridi to the chief minister of UP, Shri Kamlapati Tripathi (PIB documents). Indian public opinion was unanimous that the government should extend full assistance to the Bangaldesh freedom struggle after the brutal crackdown on 25th March (Dasgupta 2011). In this regard Sisson and Rose (1992) argue that the domestic political pressure not only came from the public or the opposition parties, but from the back benches of the ruling Congress party as well. Jayaprakash Narayan organised a world conference in New Delhi to condemn the torture and genocide that continued in East Pakistan (Jayakar 1992:227). Bass (2013) argues, "almost the entire Indian political spectrum from Hindu nationalists on the right to communists and socialists on the left, lined up behind the Bengalis". The persecuted community was not Indian but not completely a stranger to them- Bengalis were a part of the Indian nation and the entire Bengali population in West Bengal backed up for the people in East Bengal (Bass 2013). Dismissing the considerations for national sovereignty for the sake of saving human lives, India demanded a swift recognition of an independent state of Bangladesh (Bass 2013). Hence, domestic legitimacy also played a significant role in localizing the norm of humanitarian intervention.

Therefore, at the global-local interface, multiple factors contributed to create an environment for India's intervention that resulted in humanitarian outcome. These multiplicity of factors showcases the various ups and downs of India's internal decision making in navigating the course of action to deal with the humanitarian crisis. While the geopolitical and strategic angle was evident and progressed along with the crisis, the humanitarian considerations entangled with the strategic factors transcended along with it. As a result, India yielded a humanitarian outcome thereby localizing the norm of humanitarian intervention by the domestic actors in India's foreign policy. In the next segment the international parameters would be analysed in further detail.

2.3. India's Interventionist Role and International Response: Security Council and the Cold War politics

This segment will provide an insight to the international challenges that India faced in the light of invoking a military solution to the humanitarian crisis in the region. India faced confrontation with regards to two aspects during the crisis and both the arguments flow from each other: first, it faced challenges from most of the world leaders who were apprehensive

about India's aggression in Pakistan's territorial sovereignty. This debate was particularly supported by the U.S who safeguarded Pakistan's interest. Second, was the failure and inaction by the UN Security Council in recognising the violation of human rights and thereby call upon a multilateral action to resolve the issue. While India enforced justice through its unilateral decision to intervene, the majority in the UN security council raised the question what happened to peace (Frank and Rodley 1973). India appeared to be an aggressor who threatened peace by invading Pakistan and trying to dismember it.

Hence, enlarging our arguments, it is seen that in the cold war environment, international community largely remained divided when it comes to extending help to India in case of tackling with the crisis in 1971 in its neighbourhood. This divisiveness also polarized viewpoints in the Security Council as a result of which it remain paralysed to take any concrete action against the brutal massacres taking place in East Pakistan. The only country which backed India in the Security Council was Soviet Union.

The most significant challenge that India faced was from the US, who showed its tilt towards Pakistan since the beginning of the crisis (Raghavan 2013: 81, Bass 2013). The term 'tilt" was used by Kissinger in his inter-departmental meetings to convey the President about a more-Pakistani stance (Raghavan 2013). According to Bass (2013), "the White House was actively and knowingly supporting a murderous regime...". He even argues that this stands as one of the worst moments of moral blindness in U.S. foreign policy (Bass 2013: 9). The US under the leadership of President Nixon and Secretary of the State Henry Kissinger played a crucial role in advocating for Pakistan's sovereignty in the Bangladesh crisis of 1971. Jayakar (1992) opines that Nixon, personally had a strong antipathy towards India and particularly towards Indira Gandhi. Nixon was quite perturbed by Indira Gandhi's mannerism and also, he felt that Indian public was more pro-Kennedy and anti-Nixon (Jayakar 1992: 225). The tilt towards Pakistan was borne out of this strong emotion (Jayakar 1992: 225). This has been mentioned by Kissinger (1979) in his book, *The White House Years*, that Indira Gandhi's "hereditary moral superiority and her moody silences brought out all of Nixon's latent insecurities". However, this was only one side of the story. Kissinger (1979) admits how the Nixon administration refrained from taking any active measure because it considered Pakistan to be there only channel to China. However, beyond the China connection, Kissinger (1979) argues that Nixon administration believed in resolving humanitarian questions not by challenging sovereignty as it would be "surely rejected" but to exert influence without public confrontation. The Nixon administration was convinced that India wanted a 'larger opportunity' and sought

Pakistan's humiliation above everything else (Kissinger 1979). Further, Kissinger's book revealed that the Nixon administration heavily criticised Indira Gandhi's approach towards the crisis because India made the return of the refugee based on a political settlement and itself reserved the right to determine what 'constituted as a political settlement' on the territory of its neighbour (Kissinger 1979). It was ironical that the US government acknowledging Yahya's readiness to accept internalization of the relief (Kissinger 1979) was disappointed about India's terms and condition regarding the return of the refugees and covert training of the Mukti Bahini forces, at the same time, itself was supplying military and economic aid to its ally Pakistan in the reigion. However, for India, the refugee issue was a 'real' problem and sole internationalization of relief would have not solved the problem itself. Indira Gandhi made that point clear in her parliamentary session, "...the question of giving relief is only part of the problem. Relief cannot be perpetual or permanent" (Gandhi 1971d). As Jayakar (1992) mentions that "the President refused to recognise the dimensions of the human tragedy being enacted in East Pakistan". The very nature of the peace initiatives and time frames which Nixon spoke of, made the solution to the human problem increasingly difficult (Jayakar 1992: 233). The Nixon administration was not only heavily criticised by their own people but also by the dissenters in the US rank in its own country. Garry Bass in his book *The Blood Telgram: Nixon, Kissinger and the forgotten genocide narrates* how Archer Blood, who was the American Consul General to Dhaka, Bangladesh sent the "blood telegram" to protest against the atrocities committed by the Western Pakistani Army. Bass (2013) argues that Archer sent the dissent telegram only three months before Kissinger took his trip to Beijing through Pakistan. According to him, the Bengalis became a collateral damage for realigning the global balance of power (Bass 2013). A series of cable exchanges reveals about Blood's frustration and the silence of the Nixon government towards the genocide. In one of the exchanges titled "selective genocide", he mentions, "here in Dacca we are mute and horrified witnesses to a reign of terror by Pak military" (US Deparment of State documents 1971). In another instance, Blood and the other collective group of American Foreign Service Personnel officers writes, "our government has failed to denounce the suppression of democracy and our government has failed to denounce atrocities" (US Department of State documents 1971). Similarly, at the Indian front, Indira Gandhi wrote to Nixon about her strong disagreement about settling the issue by sending UN observers which she considered was an 'unrealistic proposition' and it would not create conditions that would provide an avenue for the refugees for their peaceful return to East Pakistan (US Department of State Documents 1971). However, Indira Gandhi's refusal to allow UN observers have been analysed differently in the academic literature. Sisson and Rose

(1992) argue, another factor that could have a reason for India's refusal to allow UN observers was that it would provide the UN the opportunity for surveillance of India's military assistance to Mukti Bahini forces.

Further, the other countries too showed their apprehension towards the 1971 crisis. For example, India received a similar response from Germany when Foreign Minister Swaran Sign visited Bonn in June 1971. In response to Swaran Singh's argument that more than the financial and material support to cope up with the refugee issue, what was needed was to exert pressure on Pakistan to stop the refugee stream, the federal government of Germany mentioned, "the core of the problem, however, is the need to normalize political conditions in East Pakistan. A reasonable political solution has to be achieved including all parties involved in Pakistan. This is an internal matter of Pakistan" (Telex 1971). Like other external observers, China too believed that it was an 'internal matter' of Pakistan and India's interference was unacceptable, but however went on to say that a reasonable settlement should be made by both the parties (Raghavan 2013: 186)[3].

As a result of the 'internal matter' approach, India failed to forge a multilateral response to take action against the human rights violations towards the people of East Pakistan. Hence, a few things can be observed from the historical parameters: First, is the internal versus the international debate. As the archival history suggested, India itself initially considered the 1971 crisis to be an internal matter of Pakistan. But with the passage of time, the refugee issue created a burgeoning humanitarian crisis situation in the entire region. At a speech at the Royal Institute of International Relations in London, Indira Gandhi questioned the world community, "We believe in and we have strictly adhered to the principle of non-interference. But can this be one-sided?" (Gandhi 1971i). Though, Indira Gandhi realised that the issue has acquired the dimension that threatens the international peace and security, the world community's response with regard to a political settlement seemed to remain stagnant under the farce of 'internal problem'. As a result of this, India had to put into practice a military solution to the problem. When Pakistan attacked India in December 1971, Gandhi argued, "Now that Pakistan is waging war against India, the normal hesitation on our part not to do anything which could come in the

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[3] For further analysis of individual responses of all the countries towards the 1971 crisis, Raghavan's (2013) chapter "Power and Principle" in his book, *A Global History of the Creation of Bangladesh, provides* great insight about the divisiveness in the international community about the 1971 crisis and India's approach towards finding a political solution to the problem.

way or a peaceful solution, or which might be construed as intervention, has lost significance" (Gandhi 1971h).

Second is the time versus response debate. The division in the academic literature about India's motivations behind the response to the crisis unveil the dilemma that the decision makers were confronted with. On one hand, they were aware of Pakistan's intentions and started preparing strategically through their covert training of Mukti Bahini and on the other hand, following Nehru's legacy, they took sought a political solution through the institutional legitimacy of UN and the world community. Further India's domestic pressure to support the people of East Pakistan and take a quick 'military' action was also mounting (Raghavan 2013). However, Indira Gandhi also realised the need to take decisions which are grounded in reality. She maked the point thus: "It was natural that our sympathy should be with the people of Bangladesh in their just struggle...Our decisions were not guided merely by emotion but by an assessment of prevailing and future realities" (Gandhi 1971j).

It must be taken into account that although there was normative development in humanitarian intervention in human rights in this period, it was not fully established. Questions of human rights violations were resolved through treaties and political settlements and not through 'use of force'unless it becomes a matter of threat to international peace and security or a matter of self-defence. As a result, Indira Gandhi followed the 'international norms' as advised by Haksar. She made this point in her parliamentary speech as early as in March and wanted a peaceful resolution to the issue. However, Indian decision makers were aware of the deteriorating situation, and they could foresee that the birth of Bangladesh was a close phenomenon in the future. Ramesh (2018) points out that by mid- June 1971 it appeared to Haksar that it was a matter of time that Bangladesh came into being. In his letter to Natwar Singh, the Indian ambassador to Poland, on 29th June, Haksar wrote that "...the central point of my enquiry is to know if they have reached the stage of accepting the inevitability of Bangladesh or whether they still think that thr Humpty Dumpty could be put back on the wall again" (Ramesh 2018:210).

Third is the order versus the justice debate. The UN Security Council failed to produce any concrete action in order to bring about peace (UNSC documents 1971)

> "The Secretary-General noted that while he had kept the President of the Security Council informed of these efforts under the broad terms of Article 99 of the United Nations Charter, he felt that the initiative on this matter in the Security Council could best be taken by the parties themselves or by the members of the Council ".

Since, humanitarian intervention only began to carve out its niche in the human rights discourse in the cold war period and was in a preliminary stage, so multilateral intervention which had legitimate authority of the UN in cases of human rights violation was not a common feature even during the 1970s. As a result, India found it impossible to justify its unilateral action in the UN Security Council. India was condemned by all the major players, except its Soviet ally, for breaching Pakistan's sovereignty (Bloomfield 2016:75). In the US, Kissinger called the human rights abuses as 'internal problems of a friendly country' and all development aid to India was cancelled (Bloomfield 2016:75). However, Wheeler (2000) argued that the security reasons that led India to intervene and the means employed did not undermine the humanitarian benefits of the intervention. Moreover, for the Indian leaders, while Pakistan's sovereignty and non-intervention was important, so was democracy and freedom. On December 13 1971, Gandhi (1971k) stated:

> "Since last March, we have borne the heaviest burden and wlthstood the greatest pressure, in a tremendous effort to urge the world to help in bringing about a peaceful solution and preventing the annihilation of -in entire people, *whose only* crime was to vote for democracy. But the world Ignored the basic causes and concerned Itself only with certain repercussions"

In another instance, on December 17, 1971 she stated that "we stand for democracy, for secularism and for socialism. Only this combination opens the way for full freedom..." (Gandhi 1971l). Hence, India stood for the rights of self-determination of the democratically elected Awami League government. This challenges the viewpoint that India supported secessionist tendencies and eventually wanted to break up Pakistan. Further, as soon as the war was over, Indira Gandhi announced in her statement to the Parliament on December 16, 1971 that, "our objectives were limited-to assist the gallant people of Bangladesh and their Mukti Bahini to liberate their country from a reign of terror and to resist aggression on our own land. Indian armed forces will not remain in Bangladesh any longer than is necessary" (Gandhi 1971m).Here, Wheeler (2000) observes that India invoked humanitarianism which was not cynical in nature as it quickly pulled out its forces and did not try to make Bangladesh a satellite state.Moreover, Indira Gandhi successfully changed the narrative that human rights violations

were a part of domestic jurisdiction and spoke in the language of 'justice' at the UN. In this regard, Wheeler (2000) felt that 'India's humanitarian argument failed ' to convince majority of other states but what was important that India was able to raise it in the first place. Without the usage of the human rights norms in the 'justice part' India would not have the normative language to name Pakistan's repression as a shock to mankind (Wheeler 2000:74).

Despite requested a political solution for the East Pakistan crisis, India was conscious to not reduce the issue into an Indo-Pakistan conflict in order to maintain the human rights language. This actually helped India to gain more sympathy not only from Indian public for the cause but also around the world particularly amongst international media and intelligentia (Bhagwati 2019). In fact, this was one of the reasons why India did not hasten and intervene earlier in the conflict and followed the path of a peaceful political solution. Haksar and Gandhi believed that an armed intervention by India would evoke hostile reactions and all the sympathy for the East Bengali people would get dissolved in the Indo-Pakistani conflict. India 'endeavoured strenuously' to see that this did not become Indo-Pakistan issue. In her appeal to the world leader regarding the Bangladesh crisis, Indira Gandhi made it clear "not to press for a solution which leaves out the people of East Bengal" and pointed out that, "we cannot have dialogue with Pakistan on the future of East Bengal, because we have no right to speak for the people of East Bengal" but only "representatives of East Bengal have the right (Gandhi 1971n). Hence, while strategic considerations were present, India did invoke the language of human rights and justice as it never denied the humanitarian struggle of the people of East Bengal.

Therefore, we see that all these three factors simultaneously acted upon India's response to the crisis. As Bommakanti (2017), opines "geographic proximity facilitated intervention coupled with considerable domestic legitimacy bequeathed by the Indian public for the intervention and the degree of support within the target state, which in East Pakistan had a popular leader in Sheikh Mujibur Rahman" which ultimately resulted in an humanitarian outcome. And while India had to forgo its justification for humanitarian intervention at the UN on the grounds of self-defence rather than humanitarian considerations, the only country which support India at the UNSC was Soviet Union. Indian leaders realised that if there was any chance of going to war, India needed a veto wielding supporter at the UN. India signed the Treaty of Peace. Friendship and Cooperation between India and Moscow prior to several months before the war. The signing of the treaty definitely acted as a significant morale booster for India (Dogra 2020:49). Due to this, Soviet Union consistently vetoed US sponsored UNSC resolutions calling for an immediate end to hostilities between India and Pakistan (Bhagwati 2019:94).

Hence, the localization of the norm of humanitarian intervention depended on the exchanges between the global and local in the context of Bangladesh crisis of 1971. At the global-local interface, the push and pull between the multiplicity of domestic and international parameters influenced the localization of the norm of humanitarian intervention in India's foreign policy. At the same time, India's domestic decision making was shaped the way the norm was perceived globally.

3. India's role in the Sri Lankan War of 1987

Another test case for localization of the norm of humanitarian intervention in India's foreign policy has been the Sri Lanka War of the 1987 under the leadership of Rajiv Gandhi. The geographical proximity of India to the neighbouring problem area along with its Tamil connection involved India since the very early days of the conflict, ultimately leading to its intervention (Alam 1991). It was a 'peculiar circumstance' according to Alam (1991) for India becoming too important a factor to be ignored by Sri Lanka in its pursuit for a resolution to the Tamil 'problem'. According to Destradi (2012), the actor which was most consistently and heavily involved in the Sri Lankan civil war has been India, the "regional power" of South Asia. However, India's involvement in the Sri Lankan conflict was not consistent and shifted in the course of time. As mentioned by Khobragade (2008) that although India emerged into the scene of resolving ethnic conflict in Sri Lanka (1983-1990) but it has changed its approach towards the country for its own security concerns periodically. The *Hindustan Times* (2021) mentions that India's Tamil question posited an 'intractable dilemma' for decades in its foreign policy. India's position shifted from covert support to Tamil militants in 1980s to overtly sending the IPKF forces in the late 1980s (Khobragade 2008; Destradi 2012). However, due to the failure in able to bring out peace in the neighbourhood in the 1980s, India's position largely shifted to maintaining a 'hand-off' policy in the neighbourhood (Khobragade 2008; Destradi 2012).

Hence, the India's objective of bringing out peace in the neighbourhood country's internal conflict had its roots in the 1980's conflict and this reference point acts as an important connecting juncture in explaining India's position regarding Sri Lanka. The intervention in 1980s also raised significant questions about India's disposition towards the norm of global norm of humanitarian intervention. Operation Pawan was first and only out-of country operation which India conducted independently in order to bring about peace in the neighbourhood conflict. India's dealings with this event changed India dynamics not only with the country specifically, but it also impacted the way India approached to the concept of

humanitarian intervention and sovereignty (Mohan and Kurtz 2015). India's engagement with the norm of humanitarian intervention in practice has a long-drawn history in Nehru's period by sending peacekeeping forces in the cases of international conflict. The mission in Congo is considered to be one such example where India sent its forces without any direct interest or coercion from third parties, reflecting its solidarity with institutional legitimacy (Bommakanti 2017: 105).

However, India's practice with the norm of humanitarian intervention in Sri Lankan case is considered to be a 'fundamental departure from the traditional parameters of peacekeeping in terms of the IPKF's lack of impartiality and the level of force that was used' (Bullion 1994). Most of the academicians and retired military officials have observed that the Sri Lankan issue was one of the major foreign policy mistakes that was undertaken by India during Rajiv Gandhi's tenure. Although the amount of archival record that exist on Sri Lanka has been limited as compared to the Bangladesh war, it nevertheless showcases the faulty approach of the Indian decision makers in their involvement in the Sri Lankan conflict. As a matter of fact, the entire IPKF venture, Operation Pawan was considered to be badly conceived and executed both at the diplomatic and military level (Dogra 2020). According to Bhagwati (2020) the peacekeeping operation was the second foreign policy failure after Nehru's missteps that lead to the military defeat in China.

Bloomfield (2016) colloquially mentions that India 'got its fingers burnt' just before humanitarian intervention was going to be more common in 1990s. However, the questions that the conflict raised with regard to India's intervention in Sri Lanka's internal conflict definitely is important to understand the transition of the norm of humanitarian intervention in India's context and also about India's commitment towards sovereignty. As Ganguly (2013) observes that India's actions although were justifiable on humanitarian grounds but clearly violated the sovereignty of Sri Lanka. Hence, it becomes necessary to look into the decision making of the Indian political actors in order to trace the localization of the norm of humanitarian intervention in the Indian scenario.

4. Background to the 1983 Civil War

According to Bhasin (2004), the Sri Lankan case was a parallel case to that of Bangladesh where failure to provide the required response to the ethnic Bengalis led to her final nemesis and the establishment of Bangladesh. The evolution of Sri Lankan Civil war is usually divided into four phases starting in 1983 with the anti-Tamil progrom in Colombo (Ganguly 2018:80).

The first phase culminated with the Indian intervention in the conflict in 1987, the second phase started in 1990 and ended in 1995 with the collapse of talks between LTTE and the government of President Chandrika Kumaratunga which was followed by the third phase that began in 1995 and ended with cease-fire agreement in 2006 and lastly, the final phase lasted till 2009 with the defeat of LTTE. Destradi (2012) divided these four phases into: Eelam War-I (June 1983-July 1987), Eelam War-II (June 1990-January 1995), Eelam War-III (April 1995-February 2002) and Eelam War-1V (July 2006-May 2009).

The conflict historically was rooted in the ethnic tensions in Sri Lanka where discrimination against the Tamil minority took place by the majority Sinhalese after the end of the British colonial rule in 1948 which eventually turned into a full-fledged civil war between the two communities in 1983. After winning the independence from Grear Britain in 1947, Sri Lanka was 74 percent and 19 percent Tamilians (Habibullah 2020). The British treated Ceylon (present day Sri Lanka as a single political entity with a cohesive administrative structure under a central authority (Bhasin 2001: xviii). However, despite that, the administrative structure could not weld up the two communities together (Bhasin 2001: xviii). While the lack of cognizance by the British government of the historical realities and differences between the two communities build up on the Tamil apprehensions, the gap further widened when the British government decided to withdraw from the subcontinent. The apprehensions about a majority dominance of the Sinhalese could be seen as early as in 1946 in a memorandum submitted to British Prime Minister Attlee by the All Ceylon Tamil Congress: "First it must be said that the proposed constitution does not in reality grant a fully democratic form of self-government. It further failed to provide for just and equitable distribution of power among various sections of the people on the basis of a spirit of enlightened democracy" (Bhasin 2001: xix). As the British withdraw from the province, the majoritarian practices by the Sinhalese community estranged the Tamils further. Quite similar to the Bangladesh narrative, the rise of the anti-Tamil sentiments leading to riots, the legislative, administrative, educational, linguistic discrimination led to the growth of Tamil-sub nationalism which was convinced that provisions in the federal power structure will not resolve their problems and hence, quickly shifted to the demands for an autonomous sovereign state of Tamil Eelam (Bhasin 2001:xxvii-xxviii). These factors will be analysed in the following sections.

- *Sri Lankan Independence and Discrimination Against Tamils*

The Tamil-Sinhala conflict therefore, had its origin in the colonial history of the two communities. While the Tamil community enjoyed a lot of economic opportunities under the

British government, the Sinhala majoritarian elites did not consider the ethnically plural features of the country (Ganguly 2018:79). As a result when independence came to Sri Lanka, Tamils were disproportionately represented in the various public services, educational institutions, journalism and legal profession (Ganguly 2018: 79).

As it was seen previously that the minority Tamils were already sceptic about their position since the time discussions began regarding the eventual transfer of power from the British. Their fears and resentment deepened with the establishment of the new constitution by the Soulbury Commission in 1947 which did not although consisted of the clause that prohibited any sort of discrimination against any citizen on the basis of religion, ethnicity, class or creed, it could not safeguard the minority Tamilians from the majoritarian politics of the Sinhalese in post-independent Sri Lanka (Bhasin 2001: xix; Ganguly 2018:79). The gap got entrenched when the first Prime Minister, Don Stephen Senanayake passed a legislation that deprived a significant section of Tamil community as tea and plantation labourers and gave the Sinhalese a two third majority in the Parliament (Ganguly 2018: 79). The 1950s marked an important juncture that further drifted the Tamil population away and planted the seeds for the demand of a separate Tamil state.

After a brief period of Dudley Senanayake and the split of the United National Party (UNP) in 1952, SWRD Bandaranaike government which formed the Sri Lanka Freedom Party (SLFP) brought a wave of Buddhist nationalism that demanded that the Sinhala majority should get their rightful share of official employment due to which the Tamils who relied on the government jobs and public services found it difficult to get employment (Santos 2007). The government also came up with the 'Sinhala Only' policy in 1956 that would make the language of the majority community the official language of the country excluding the Tamilian population. The parliamentary debates during that time 1956-77 highlighted the communal tensions that was brought about due to the Sinhala only policy (Bhasin 2001, Santos 2007). As a result of this, the Tamil members of the Parliament called for a separate Tamil State as they considered they felt it was a threat to their survival and demanded to form the United Front to "... 1) preserve their language and culture, (2) maintain the identity and freedom of the Tamil-speaking people, and (3) keep their traditional homeland" (Sri Lankan Parliament 1956). The Bandarnaike government ignored the opposition to the bill from the Tamil Federal Party and the official language bill was passed on June 14, 1956 that declared Sinhalese as the only State Language. The Act brought immediate reaction from the Tamils as they saw it as "frontal attack to their language, culture and economic status" (Habibullah 2020:193).

The Tamil Federal Party therefore, in its Fourth Annual Covention at Trincomalee held on August 18 and 19 not only mentioned the Sinhalese Only Act to be one of the most "iniquitous and worst piece of injustice perpetrated on Tamils in the last 300 or more years" (Convention 1956) and demanded that unless the Prime Minister and Parliament does not take concrete measures to constitute the Federal Union of Ceylon by 1957, which would be based on rational and democratic principles, restore the Tamil language rightfully thereby establishing Tamil linguistic states and repeal the existing discriminatory citizenship laws, the Federal Party would launch a 'direct-action' based on non-violent means for the objective (Convention 1956). The consequent Satyagraha among Tamils led to violent reprisal on the streets by the infuriated Sinhalese (Habibullah 2020:193). This prompted the government to come out with two pacts, the Bandarnaike-Chelvanayakam Pact in 1957 and the Senanayake-Chelvanayakam Pact in 1965[4], but, however, these two pacts could not resolve the communal disagreements. Both the pacts were considered to be prejudiced as it led it anti-Tamil riots in the country in the 1950s. Apart from the language policy that widened the communal hatred between the two communities, it was education that was the point of separation between them. Ganguly (2018) mentions how the situation worsened over the years and considered 1971 to be an important turning point when the Prime Minister Sirimavo Bandaranaike alienated the minority Tamil youths completely with her system of standardization in university admission. The policy was designed to benefit the majority Sinhalese as it granted the Sinhala students university admission with lower scores (Wickramasinghe 2012, Ganguly 2018). This unequal distribution of educational privileges led to Southern leftist insurrection and Tamil insurrection in North and East in the 1970s (Wickramasinghe 2012). Moreover, in 1972 the adoption of the new constitution further implanted the seeds of separatism in Sri Lankan Tamils as the policies under the new constitution treated Buddhism as the most important religion, denigrating the other faiths (Ganguly 2018: 80). This political backdrop led to the emergence of Tamil militancy.

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[4] For detail analysis of these two pacts, Avtar Singh Bhasin (2001) collection of documents is extremely beneficial. In the volume I of the *India-Sri Lanka: Relations and Sri Lanka's Ethnic Conflict Documents-1947-2000*, Bhasin (2001) argues how the promises of the Bandarnaike-Chelvanayakam Pact of 1957 and the Senanayake-Chelvanayakam Pact of 1965 could not reduce the tensions between the Tamils and the Sinhalese Community. For e.g., The 1957 Pact led to a negotiation between the government Bandarnaike and the Chelvanayakam , the leader of Tamil Federal Party to agree on a wide measure of Tamil autonomy in northern and eastern provinces. The Federal Party considered the Pact of 1957 to be an interim adjustment and remained wedded to the idea of a separate Tamil linguistic state. Quite similar to the SLFP government of Bandarnaike, the UNP government of Senanayake came up with the Pact in 1965 which too failed like its predecessor. This Pact too evoked anti- Tamil sentiments. This only strengthen the demands of the Tamils for their right of self-determination.

- *Rise of Tamil Militancy*

The political differences between the two groups led to the emergence of the Liberation Tamil Tigers of Eelam (LTTE). The LTTE had its roots in the 1970s when the Tamil Students Federation was formed and by 1975 it gave itself the LTTE tag under the leadership of Velupillai Prabakaran. Although the Tiger movement had its beginning in the 1972 and worked with other Tamil organisations, it was in 1976 that the LTTE took violent methods and chartered out its independent course of action to achieve the goal of Eelam (Bhasin 2001). The LTTE objectives was diametrically opposed to the TULF or the Tamil United Liberation Front which was an umbrella organization that worked towards the achievement of the separate state of Tamil Eelam under the Vaddukoddai Resolution[5] using democratic means (Bhasin 2001; Bhasin 2004). However, the TULF leadership which 'gave primacy to the constitutional means' gradually realised that it is losing grounds to the emerging militancy particularly among the youth (Bhasin 2004:49).

The LTTE gradually emerged to be the single most entity for voicing out the opinion of the Tamils and became the harbinger of freedom through military means by successfully dismantling all other political branches. In an interview with the Calcutta weekly in 1984, Prabhakaran mentions how the conventional political system of Sri Lanka has only benefitted the majority over the minority for generations and hence, he was convinced that the 'armed struggle was the only solution' for the Tamils in Sri Lanka (Prabakaran 1984). Since he has seen the 1958 riots, wanted a full-fledged armed struggle since it was the way out from emancipation of the oppressed Tamil population (Prabhakaran 1984). By 1983, the violence and open campaign for independence got converted into a civil war between the Tamils and the Sinhalese whose repercussions were felt by the Indian government (Bhasin 2004; Bloomfield 2016). Santos (2007) argues that "as the Tamil secessionists mobilized and acquired arms and funds, their power rose relative to that of the Sri Lankan government".

The 1983 violence was triggered by LTTE ambush on military convoy that led to the anti-Tamil Sinhalese riots, which was also called as Black July where around 3000 Tamil were killed (Kingsbury 2012:59). This anti-Tamil sentiment further strengthened the aspirations of the LTTE military wing to develop into a full-fledged organization that steered a full-scale

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[5] The Vaddukodai Resolution was adopted in May 1976 at the convention of the Tamil United Liberation Front at Vaddukodai where after listing the various grievances of the Tamils in terms of language, education, culture, employment etc, and the failure of their efforts to remain as an unit with the Sinhalese, it was undertaken that a separate state of Tamil Eelam based on self-determination was a necessity to safeguard the Tamil Nation in the country (Bhasin 2001:XXX).

conflict with the government of Sri Lanka in the mid-1980s, occupying the Jaffna peninsula (Kingsbury 2012, Habibullah 2020). India's response to the conflict in 1987 was an attempt to mitigate the conflict between the Sri Lankan government and the LTTE however, soon the Indian army found itself to be involved in the battle with the LTTE, as a result of which, it decided to withdraw from the island in the 1990s. However, the conflict continued with pauses since that time (Kingsbury 2012:59). Although, India could not bring out peace in the region, nevertheless the intervention remains an important juncture that shaped the overall journey of the norm of humanitarian intervention.

4.1. New Delhi's decisions Regarding the Sri Lankan Issue: India's interventions and the role of IPKF

Mohan (2011) argue that India had always considered that it has a special responsibility in the region and also tries to prevent the other powers to not interfere in the region. Scholars such Mohan (2011) and Ganguly (2018) consider this an important factor for India's engagement in its neighbourhood ethnic crisis. This view has also been maintained by several other scholars in their explanation regarding India's engagement with the Sri Lankan ethnic crisis (Bullion 1994; Destradi 2012). In his analysis, Bullion (1994) mentions that although India intervened in Sri Lanka by consent, however, India's peacekeeping operation in the region narrates not only it establishment as a regional hegemonic power but also questions the norms of peacekeeping. Hence, India's engagement in the Sri Lankan crisis in important for three reasons in the context of localization of the norm of humanitarian intervention: First, although Indian actors under Rajiv Gandhi's leadership could not mitigate the conflict, the task that was assigned to the IPKF not only reflected India's political goals but also influenced the practice of humanitarian intervention on ground. India's IPKF role has been often considered somewhat to be a peace enforcer from a peace keeper in the conflict (Bullion 1994; Bhatnagar 2019). Although academic authors such as Santos (2007) mentions that the nature of the intervention was through diplomacy, humanitarian through the peacekeeping efforts that cancels out a Bangladesh style intervention, yet it cannot be discarded that the dynamics of the intervention changed as soon as the IPKF refused to leave Sri Lanka in 1989 thereby becoming 'an army of occupation'(Bullion 1994). Therefore, despite the fact that India could not bring about a peaceful resolution to the conflict, the manifold aspects of the intervention teaches a lesson for India about shaping the humanitarian intervention norm. In this context Bloomfield (2016) argued that the Bangladesh episode built in somewhat 'overconfidence' in India and therefore, the subsequent Sri Lankan issue provided a crucial lesson for India's adventure with the norm

of humanitarian intervention. Hence, this becomes a significant chapter in order to understand India's disposition towards the norm in practice.

Secondly, through the Sri Lankan episode it is claimed that India acted as a regional hegemon who wanted to prevent other powers to intrude in the region, it was not completely devoid of humanitarian considerations. While India on one hand was protecting the Sri Lankan government from human-rights based intervention from other countries, quite similar to Bangladesh, India had a pressure to intervene, particularly from the state of Tamil Nadu (Mehta 2011). However, this ethnic bonding and the humanitarian connection deteriorated after Rajiv Gandhi's assassination by the LTTE (Chandrababu 2021). Thirdly, even if India's actions were justified on humanitarian grounds, it shows India's 'scant regard' for the commitment to state sovereignty (Ganguly 2013). Hence, these various dimensions also collectively suggest India's transitions with respect to sovereignty in its humanitarian practices.

It was under Rajiv Gandhi's leadership that India got involved deep into the Sri Lankan ethnic problem. However, India's early engagement in Sri Lanka's politics took place under the leadership of Nehru, regarding the plight of the citizenship of the Indian Tamils in the island. Most of literature has rarely focused on this deep seated history of India's connection in the Tamil connection with Sri Lanka. This issue of the position of the Indian Tamils suggested that Sinhalese antagonism towards the Tamil was a not a post-independent phenomenon. Prior to independence, economic tensions were prevalent where the Indian Tamils were highly deprived of their jobs and often coaxed to go back to India (Bhasin 2001: xiiv). The Sinhala majority community actively campaigned to oust the Tamils of the Indian origin out of Ceylon (Dutta 2013). Different from the Sri Lankan Tamils who resided in the North and East side of the island country, the Indian Tamils were mainly indentured workers who were brought by the British in the region. Under the British rule in Ceylon, the Indian Tamils enjoyed same status like the Sri Lankan Tamils and the majority Sinhalese. However, as Ceylon moved towards independence, new constitutional reforms and adult franchise was introduced which entrenched the hatred towards Indian Tamils (Suryanarayan 2012). In the year 1948, the Sinhalese dominated UNP government passed the citizenship act that denied citizenship to Indian Tamils thereby disenfranchising them. In a letter of the Permanent Secretary, Sri Lankan Ministry of Defence and External Affairs to the Subimal Dutt, the Commonwealth Secretary, Indian Ministry of External Affairs, laid down the special conditions and qualifications for the grant of Ceylon citizenship to the Indian citizens living in the country: (a)a period of continuous residence (b)adequate means of livelihood (c)if married, the wife and

minor unmarried children must ordinarily reside with him (d)applicant should comply with the laws and customs of the country- all these conditions must be established in Court of law (Vaithianathan 1947). Santos (2007) observes that this disenfranchisement enabled Sinhalese to increase their share of seats in the elections as close as to eighty percent in total. This rendered the Indian Tamils homeless and the situation deteriorated to such an extent that the Indian National Congress had to intervene diplomatically. The archival records of that period suggests that the Indian government under Prime Minister Nehru went for discussions with Prime Minister Senanayake to consider the nationality of the Indian Tamils (Discussion between Nehru and Senanyake 1947). Post-independence, the two countries consistently exchanged innumberable letters with the Senanayake government regarding the qualification for the citizenship and the deteriorating condition of the Indian Tamils in the country. Nehru's attempts were for a "friendly settlement" by "supporting the legitimate right of citizenship and pressing friendly way upon the Ceylon government to recognise them" (Nehru 1952d). However, the governments failed to resolve their differences on the issues of residence of the Indian Tamils. According to Bhasin (2001), "the Indian Prime Minister canvassed a liberal and accommodative approach against the very restrictive approach of the Sri Lankan Prime Minister". Nehru in series of his negotiation with the Sri Lankan government made it clear that India was interested in the Sri Lankan matter because not only for humane reasons but also for the honour and self-respect are involved (Nehru 1952e). In this regard, India has tried to deal with this question in a friendly way and also appealed to the public that not to use any language that would come in the way of 'friendly settlement'. But while India did consider the friendly policy to resolve this issue, Nehru was unhappy about the way the Ceylon government responded to the negotiations regarding the position of the Sinhalese people (Nehru 1952e). However, apart from the reassurances that India had no intention of interfering in the internal matter of Sri Lanka and wanted a friendly resolution to resolve the issue (Bhasin 2001), the overall policy under Nehru remained very neutral when it comes to the recognition of the position of the Indian Tamils in Ceylon. Following this, India under Prime Minister Lal Bahadur Shastri came up with the Shastri-Bandaranaike Pact to come to a common consensus but India remained adamant about the fact that Indian government authorities cannot be compelled to give citizenship right to the Indian Tamils. Swaran Singh in his statement in Lok Sabha in 1964 mentioned that it was a matter within the sovereign territory of another country (Sri Lanka) and hence, being an internal matter, India cannot be forced to take action in this respect (Bhasin 2001: ix). Therefore, their issue of statelessness of Sri Lankan Tamils lingered

on for decades till the 1980s. The de-recognization of the Indian Tamils were the prelude to the marginalization of the Lankan Tamils after 1948 (Dutta 2013).

India's engagement in the Sri Lankan conflict took a turn in the 1983 civil violence in the island between the majority Sinhalese and the minority Sri Lankan Tamils. It was during this time that under the second tenure of Prime Minister Indira Gandhi's leadership, India started to train the LTTE guerrillas. Although India discarded its statements regarding intrusion in the domestic affairs of the Sri Lanka, in reality, the Research and Analysis Wing (RAW) was actively engaged in training the LTTE. In an discussion with Sri Lankan Parliament, on the story carried by India Today of New Delhi regarding training camps for Tamils in India, Prime Minister Bandaranayake argued that the news channel identified how the terrorists were being trained by India's retired Servicemen (Bandaranayake 1983). This implied that Indian government was willingly training the LTTE 'terrorists' to be trained in Tamil Nadu to invade Sri Lanka thereby forcing the Sri Lankan government to give up its policy of non-alignment (Bandaranayake 1983). However, Indian parliament reflected a different narrative. There was a growing pressure on Indian side to take action for the Tamil ethnic group suffering in Sri Lanka. Shri Gopalaswamy questions the Indian government,

> "are you going to say this is only an internal matter? Are you going to say that you are not going to support any secessionist movement in any sovereign country? Of course, this is not a secessionist movement, it is a freedom movement" (Gopalaswamy 1983: 1488-1503).

The building domestic pressure within the country, made Indira Gandhi take a more concrete measure in the ethnic problem. According to Santos (2007), in an effort to pacify Tamil Nadu and to maintain her grip in South India with the general elections coming up in 1984, Prime Minister Indira Gandhi responded to the crisis with high priority. It also acted as an golden opportunity for Mrs Gandhi to change the Sri Lankan government's pro-western foreign policy (Santos 2007: 54). However, another aspect which Kingsbury (2012) argue was that RAW's interest in the Tamil group was based on ethnic link to Tamils in Sri Lanka but also used as counter measure to government of Sri Lanka who provided facilities to refuel Pakistani ships in Indo-Pakistani war.

Nevertheless, Indira Gandhi government was actively involved in training the LTTE within the Indian territory. In an interview conducted with retired Colonel Ajay Katoch, who was a part of the IPKF force which intervened Sri Lanka during in 1987 as the Company Commander of

the Infantry Battalion, opined that, both in the Bangladesh and the Sri Lankan cases, the Mukti Bahini and the LTTE was initially trained by India (Katoch 2020). It was needed to prevent the spill over effect of the ethnic conflict and the influx of refugees on Indian subcontinent (Katoch 2020). While India officially maintained the argument,

> "It is unfortunate that responsible members of Sri Lankan Government have seen fit to make baseless allegations against India. These are totally false and we have conveyed to the Sri Lankan government that there are no caches of arms or training camps on Indian territory. We have nothing but goodwill for Sri Lanka..." (Rahim 1984:1571).

And although India argued that its involvement was only through the goodwill envoys sent to Sri Lanka to "facilitate a viable political settlement" (Rahim 1984:1571), in this phase, New Delhi followed a dual policy towards Sri Lanka after 1983. While in one hand it offered the 'good offices' to mediate conflict between the two ethnic groups, on the other hand it armed and trained the Tamil militants in its own soil, particularly the LTTE (Bullion 1994). According to Bhagwati (2019) who was the undersecretary to Sri Lanka and Maldives in the Ministry of External Affairs at that time, the Indian government was not sufficiently "mindful" regarding Sri Lana's concern about the Indian support to the LTTE (Bhagwati 2019:141). Tamil government intentions became clear that it accepted the goodwill mission under pressure and wanted to scuttle the negotiation process. In an interview to Sunday Times, the Sri Lankan government argued that India had no role in the mediation process unless the Tamils give up their secessionist demands and wanted Prime Minister Indira Gandhi to "hands off" from the issues of the island.

After assassination of Indira Gandhi, when Rajiv Gandhi took to the office as the new Prime Minister in 1984, he played a deeper role in the Sri Lankan ethnic conflict. In an initial letter to President of Sri Lanka, Rajiv Gandhi wrote that, "the ethnic problem of Sri Lanka was of deep concern to Prime Minister Indira Gandhi...The basic approach of my government in this regard remains unchanged" (Gandhi 1984a). He was also of the opinion that "we have not interfered and we do not wish to interfere in anyway", limiting India's role to only good offices as prescribed by Indira Gandhi in the wake of the happenings of 1983 (Gandhi 1984a). However, soon Rajiv Gandhi found himself to be negotiating for a peaceful resolution to the conflict between the LTTE and Jayewardene government. India consistently harped on the need from Colombo to successfully conclude the need for political negotiations as the early negotiations would satisfy the Tamils and reduce the violence from militants (Bhasin

2004:100). This was required in the light of the escalation of violence in Northern and Eastern provinces that raised concern in India (Gandhi 1984b). Simultaneously Indian Foreign Minister Romesh Bhandari entered discussions in Colombo around the question of refugees and conveyed to Sri Lankan government those conditions must be created to send back the refugees (Bhasin 2004:106).

As a resolve towards the peaceful resolution to the problem of Sri Lanka, two rounds of talks were held in Thimpu in July and August respectively between the TULF and Sri Lankan government. Despite failure in bringing about tangible solution to the problem, India persisted in efforts to find a solution to the problem. As a result, two of Indian Government Ministers, P.Chidambaram and Natwar Singh, visited Colombo in December 1986 and finalized a six-point proposal (Bhasin 2004:131).

The Indian government talks with the TULF continued through 1986 but without any success. The LTTE consolidated power over other separatist organizations and continued to attack the government and the Sri Lankan government responded with overt military measures (Kingsbury 2012:69). Hence, the Eelam war continued from 1983 to 1987 with a break in 1985 for the Thimpu talks in Bhutan. By 1987, the Sri Lankan Army had blockaded Jaffna leading to shortages of food and other supplies in this Tamil-dominated region. As relief, India initially sent nineteen fishing boats with food and medicine flying Indian Red Cross Flags (Bhagwati 2019:142). However, as the pressure on the Indian government mounted for a more proactive action in the matter from its Tamil population, India air-dropped supplies in what was known as Operation Poomalai (Garland). Bhasin (2001) argued that Indian "Parliament was constantly seized of the Sri Lankan question and the matter came up for debate several times". So, far India's policy with respect to the Sri Lankan conflict reflected its consistent dilemma regarding the extent of its interventionist attitude in the neighbouring country. While it maintained that India wanted the "unity" and the "intergrity" of the Sri Lankan territory and opted out for military option to bring about a solution, Indian political actors seemed to have been exasperated in dealing with the issue of Colombo (Bhasin 2001: cxxiv). For example, Natwar Singh felt irritated with the Sri Lankan government. and made a statement, "how do you conduct business with people who go back on what they have said? (Bhasin 2001: cxxiv). Similarly, other leaders such as Shri V Gopalswamy was also of the opinion that Indian foreign policy with respect to Sri Lanka was a total fiasco and it have "failed to learn a lesson from the long, bitter historical experiences of continuous deception and betrayal from successive Sri Lankan governments" (Gopalswamy 1986: 1763). Further a growing tension arose regarding

involvement of other powers in the region, as in the Lok Sabha debates in April 1986, opponent leader argued that, "...on the one hand, Sri Lankan government is moving for a military solution backed by military support from Pakistan, Israel, China and U.S.A and on the other hand, we hear from time to time about autonomy plan as part of the political solution to the ethnic crisis" (Sinha 1986). To this, the Minister of external affairs Shri BR Bharat (1986) responded, "this matter has to be solved through political negotiation and peaceful negotiation.... we are against any kind of military involvement". But as the crisis only worsened over time, it became imperative for India to take a stringent action for a peaceful resolution between the two parties, owing to the pressure built in from Tamil Nadu and the leaders of the Parliament.

Soon, as a result, Indian government under Prime Minister Rajiv Gandhi signed the Peace Accord with the Jayawardene government in Sri Lanka. The Indo-Sri Lanka Accord was signed in Colombo on 29th July 1987 was meant to put an end to the Sri Lankan civil war and also agreed to a devolution of power to the provinces; the Sri Lankan troops were to be withdrawn to their barracks in the north and the Tamil rebels were to surrender their arms (Dogra 2020:73). As a result Operation Pawan was put into action where India sent the IPKF to take control of Jaffna. The Indian government considered it to be a great diplomatic turn. Rajiv Gandhi in his TV address in Colombo in 1987 assured the people of Sri Lanka "peace in our region depends crucially on all of us remaining non-aligned. It is this which has made the agreement possible" (Gandhi 1987a). He further added that the Agreement "holds out the promise of a strong, united, peaceful Sri Lanka which is as much as our interest as yours" (Gandhi 1987a). Although Rajiv Gandhi argued that "the agreement secures everything that Sri Lankan Tamils demanded", the LTTE whose acceptance was most vital considering it to be an act of betrayal, Prabhakarn rejected the proposal and considered to be an act of betrayal (Bhasin 2001: cxxx). Subsequently, when the LTTE was included in the negotiations, it began to attack the IPKF units and that culminated in a battle for Jaffna that killed 800 army personnel in October 1987 (Bloomfield 2016). Even the Indian parliament became a battleground regarding the intention of the LTTE. In Rajya Sabha in November 1987, while the Minister of State in Ministry of External Affairs, Natwar Singh criticised the LTTE for not providing a proper response to the agreement and instead choosing to attack the IPKF forces which forced the IPKF to continue their operation in Jaffna, the Tamil supporters such as Gopalsamy continued to support the LTTE for having "good gesture" and "good intentions" to prove that the Indian soldiers are treated well and shatter the false propaganda of Indian government (Rajya Sabha 1987). Gopalsamy further argued that "thousands of Tamils were slaughtered by the Indian army in

the conflict" (Rajya Sabha 1987). The whole IPKF mission turned out to be badly conceived and executed due to which India lost its soldiers and as the losses of men mounted, the Indian army officials wondered what was their objective to fight for (Dogra 2020). In a personal interview conducted with retired Colonel Katoch (2020) who was a part of the IPKF force from July 1988 to March 1990 in Sri Lanka, he mentioned that the Indo Lankan Peace Accord of 1987 was flawed from the very beginning as the Indian government appears to have pressurised the Sri Lankan govt in signing the accord for getting the political demands of the the minority Lankan Tamils who constituted only 18 percent of the Lankan population (appendix 1). However, India failed to realise that most of the ethnic conflicts in countries have a political angle to it and therefore, require a political solution which in his opinion only the country concerned can resolve (Katoch 2020). Even Congress leader Natwar Singh on these lines argued that Rajiv was badly advised as he sent troops without informing the cabinet (Dogra 2020:74). Even the IPKF did not know what it was undertaking in Sri Lanka. Tamil Nadu had its own policy while India had its own policy- which ultimately made the decision making non-coherent. However, this incident definitely acted as a turning point from which India's approach towards humanitarian intervention and sovereignty changed drastically.

5. Norm Localization and Humanitarian Intervention: Justification of the Two Wars

This section seeks to explain how India localized the norm of humanitarian intervention in both these two cases in the neighbourhood- Bangladesh and Sri Lanka. Through the two cases, it tries to explain how Indian actors contributed in building the norm's direction in the Indian domain. It was seen how under Nehru's leadership in the initial period of the cold war decade there was considerable amount of norm consolidation of humanitarian intervention through the multilateral framework of the 'maintenance of peace and security' under the banner of UN. Unlike the popular belief, India actually considered sovereignty to be limited and under the legitimacy of UN enlarged its goal of 'universal' peace and justice as it fought for rights for the people in the colonies (Mohan 210 and 2011; Kalyanaraman 2014). India became the champion of 'peaceful settlement' contributing to troops, military observers, and humanitarian assistance to resolve UN conflicts such as Congo, Cyprus, Yemen (Malone and Mukherjee 2013). Although India was vocal about the human rights violations in the colonies and took a stand for their self-determination, India's engagement with humanitarian intervention in terms of 'use of force' was formulated only under the two criteria's that was acceptable under the UN: threat to international peace and security and self-defence. India considered securing human rights to be important even at the expense of state sovereignty (Mukerjee 2013), but it

was not associated with intervention in terms of use of force. India's approach to intervention in terms of use of force was limited as it was guided only by those two criteria as acceptable by UN. Otherwise, when it comes to securing human rights, India intervened in discussions and debates at the UN, but did not link the application of norm in terms of using force. So, India although valued the significance of human rights and was vocal about it, when it comes to use of force, the approach was mostly driven by the necessity under UN's legitimacy. This remained India's trend under the leadership of Nehru.

This was because, humanitarian intervention was still a very nascent norm which was making its space within the domain of human rights discourse. Hence, humanitarian claims were not accepted as legitimate basis for use of force in the 1970s unlike the 1990s where humanitarian claims where directly linked with use of force for securing human rights (Wheeler 2000: 8). Therefore, India's intervention in the 1971 crisis was considered to be an unilateral action as it was not authorized by UN's multilateral framework. Indian political actors therefore, had to 'add' the self-defence argument in Bangladesh due to the large flow of refugees along with its humanitarian considerations (Malone and Mukerjee 2013:160). In the case of Sri Lanka, Bhasin (2001) highlights Sri Lanka's constant fear of India's intervention. As a result of this fear, Sri Lankan leaders entered into an agreement with India on June 15, 1987 for receiving humanitarian relief supplies for Jaffna. It was a reluctant decision as Colombo felt that India might use force and air drop the same unilaterally as it did in the past in Operation Poomalai (Bhasin 2001). In fact India's mediatory role was seen with suspicion despite India's constant statement regarding its intentions about maintaining Sri Lanka's integrity. India although officially was 'invited' by Prime Minister Jayewardene, India "sought to exploit its superior bargaining power to persuade the Sri Lankan government to accept the conditions that would solidify India's political power over Sri Lankan foreign policy" (Gunewardene 1991: 218). In the exchange of letters, India outlined that Sri Lanka should "not employ foreign military and intelligence personnel" that would jeopardise Indo-Sri Lankan relations. Sri Lanka's dilemma regarding India's involvement was evident in the speech Sri Lankan Minister of National Security Lalith Athulathmudali (1987) who said that "In this Peace Accord, the role of India has been defined. I am not going to define, explain, criticise or compare it...". He further added "There is a growing suspicion in the minds of the people. There is also certain sadness about the involvement of another country in an internal problem" (Athulathmudali 1987:1937-38). The archival statements therefore unveil India's unilateral policies for Sri Lanka under the garb of "peaceful negotiation" through invitation. But unlike the Bangladesh scenario, India's

approach towards Sri Lanka was a disaster. Bhagawati (2019) argue that "there is little evidence that unilateral intervention of larger countries in internal matters of smaller neighbours is a better option". Hence, attributes of unilateral action were present in both the conflicts. In the Bangladesh case, it was more explicit while in the case of Sri Lanka it remained more implicit.

Secondly, therefore, Bangladesh case was an example where India challenged the international pattern of the way the norm of humanitarian intervention was perceived as India directly linked the operation of the 'use of force' with the human rights violations by associating it with the questions of genocide and security. Indian leaders were vocal about the genocidal crimes conducted in both the cases and the refugee threat that such violence possessed for India. Indira Gandhi mentioned in her speeches, "it was a genocidal punishment of civilians for having voted democratically" (Gandhi 1971n). Ambassador Samar Sen questioned the Security Council what had happened to the "convention on genocide, human rights, self-determination and so on?..." and also argued "India had the purest motives and intention to rescue the people of Sri Lanka (Bloomfield 2016: 74).

Similarly, Indian political leadership under Rajiv Gandhi, associated the need for a faster process of negotiations in the light of the deteriorating condition of the Sri Lankan Tamils in the region. In the Parliament, Indian leaders accused those genocidal crimes were being conducted in Jaffna. " I would request the government to give an ultimatum to Sri Lanka unless you stop the genocide, we will break away our diplomatic relations" (Gopalsamy 1983:1764).

Thirdly, although India's intervention in the both cases had mixed dimensions, nevertheless, the humanitarian angle cannot be negated. In both the cases, domestic pressure played a very important role. This domestic pressure came from the Bengali sentiments in the Bangladesh's case, and from the Tamil ethnic community in India in the Sri Lankan case. However, the domestic opinion at the bureaucratic level remained divisive in both the cases of conflict. Hildebrandt et. al (2013) argued in the context of United States that the role of partisanship, ideology and public opinion impacted upon Congressional willingness to support US intervention for humanitarian purposes. Similarly, domestic parameters played a crucial role in shaping India's alignment with the norm of humanitarian intervention thereby promoting its localization. For example, quite similar to Bangladesh, in the Sri Lankan case, Rajiv Gandhi realised that abandoning the Sri Lankan Tamils would alienate Indian Tamils. In India, there was an emotional upsurge of support for the Tamils in Sri Lanka and people took to the streets demanding stern measures to stop the genocide of the Tamils (Bhasin 2004:63). In the

Parliament too there was emotionally charged debates to support the Tamils (Bhasin 2004:63). Due to the upsurge in Parliament and in Tamil Nadu, Indian government was compelled to take a concrete position for the Tamils in Sri Lanka.

Fourthly, as the speeches of the political actors suggest, India initially decided to find 'peaceful' political solution to both the neighbourhood conflicts, but both Indira Gandhi and Rajiv Gandhi ultimately ended up intervening through military force to stop further human rights violations. The push and pull of both external and internal considerations were the driving factor for the intervention. While on one hand domestic sentiments shaped India's intervention, external parameters too played a crucial role. Apprehensions with regard to the role of the global powers, particularly US and Soviet Union played a significant role in shaping the norm.

The extent of Western interference in both the conflicts influenced India's actions and localization of the norm of humanitarian intervention. Although India had mixed intentions behind the interventions in the neighbourhood, the result was a humanitarian outcome. While the Bangladesh case yielded positive humanitarian result, the Sri Lankan peacekeeping episode turned out to be a mistake. Therefore, in both the cases, India ended up interfering in the internal affairs of its neighbouring country. As Mehta (2011:100) has pointed out that India loved sovereignty as a word but has treated it conditionally in its deed. India has both the histories of internationalism and human- rights protection. It was not the sole organizing principle at the expense of human rights. The two cases also highlighted India's dilemma with sovereignty. India's shift from its initial position of finding a peaceful political solution in both the cases by respecting the sovereignty to a full-fledged intervention suggested conditional treatment of India for the concept of sovereignty, particularly in its neighbourhood conflict.

Hence, both the case studies showcase how India consolidated the norm of humanitarian intervention during the cold war period after Nehru. Under Indira Gandhi's leadership, India stance against Rhodesia's white supremacy played an important precedent for India's intervention in East Pakistan (Bass 2015). Indira Gandhi's letter on the Anti-Apartheid Movement in Rhodesia reflected India's full-fledged support for the cause,

 "I reaffirm full support of the people of India for the people of Zimbabwe in their assertion of the right of the Africans to shape their destiny. We believe that apartheid is a crime against man and a threat to world peace. My best wishes for the success of the anti-apartheid march being held in London on June 26" (Gandhi 1966). In 1968, Indian government supported the

rebels fighting against the white supremacy and promoted a draft resolution in the Security Council condemning the execution of prisoners as a threat to international peace and security (Bass 2015:247). Also, Indian government not only condemned the heinous crime against humanity at the Indian Parliament but also spoke about helping the freedom fighters militarily (Bass 2015:247).

On the other hand, Rajiv Gandhi too made a strong disposition towards the apartheid regime. According to him "apartheid was a blot on our civilization" and "it is a crime against humanity. It has become a structure *of* institutionalised terror, sustained by racist domination and economic exploitation" (Gandhi 1987b). Hence, he wanted everyone to "join together in destroying that system" (Gandhi 1987b). Moreover, while India under Rajiv's tenure was not successful to bring about a peaceful solution to the Sri Lankan ethnic strife, in Maldives, India's intervention was a success where Sri Lankan militants in coordination with businessman Abdulla Luthufi planned a coup to overthrow the then President Abdul Gayoom. India's quick success in the Operation Cactus as it was called within less than sixteen hours after President Gayoom's call in the capital city of Male garnered praise from all the quarters (Dogra 2020; Habibullah 2020).

6. Conclusion

Hence, in conclusion it can be said that the Indian actors did shape the way the norm of humanitarian intervention was perceived. Both the crises are important events in explaining India's localization of the norm of humanitarian intervention. The push and pull of both international and national parameters largely remained responsible for influencing the localization of the norm in India's foreign policy. At the international level, the role of the external powers played a significant role in trickling down the global norm in India's domestic scenario. In both the Bangladesh and Sri Lankan case, India was wary of the international players influencing the politics of the region according to their whims and fancies. While Indira Gandhi was not happy about the way the international community responded to a "political solution' to the problem, Rajiv Gandhi did not want a third player dictating the way to regional peace. However, that the question is whether India's intervention was purely driven by humanitarian considerations or was it a purely national interest-based interventions. Others have argued that India was driven by mixed motives when it comes to intervention in its neighbourhood. Although it has been debatable whether India's actions can be overtly claimed to be humanitarian, the archival history narrates that India's actions also had a humanitarian

effect which cannot be discarded. The domestic political actors through the questions that they raised about human rights violations and the actions they undertook for liberating the two distressed communities suggested how they voiced out their humanitarian considerations in both the crises. Hence, through their stance on raising questions for justice, human rights and genocide, Indian actors diffused humanitarian norms. Moreover, when it comes to application of the norm, specifically in the case of Bangladesh, Indian actors did change the dynamics of what was considered to be a justifiable humanitarian intervention. India's unilateral decision making as opposed to collective multilateral intervention under UN, challenged the way humanitarian intervention was located in the order versus justice debate at the international level. Further, in both the cases, India compromised with the notion of sovereignty for resolving the conflicts. Hence, India not only absorbed the norm in a one-sided way due to the pressure created for taking action in the crises, but it did create and manoeuvred the norm at its domestic domain which impacted upon the international understanding of the norm. But while the outcome of India's intervention brought about a desirable result for the people of Bangladesh, the same thing did not materialize for the people of Sri Lanka. India's role as a mediator in Sri Lankan case continues to be heavily criticised.

However, it cannot be denied at the same time that both Indira Gandhi and Rajiv Gandhi's interventions overlapped with India's domestic interests. Both security parameters and human rights violations therefore influenced India's alignment with the norm of humanitarian intervention. The simultaneous operation of both factors helped in congruence building with the norm thereby making it in India's interest to intervene. In this context, Paris's (2014) arguments remains useful as he who points out that exclusive norm-based intervention or interest-based explanations of foreign policy behaviour is difficult to find. Rather, what is more beneficial is an interplay between material self-interest and humanitarian norms (Paris 2014). Hence, while India's actions did pave the path for localization of humanitarian intervention in its foreign policy, India's approach was nevertheless calculative in nature. Therefore, at the global-local interface, multiplicity of factors influenced the way the norm got diffused in India's context. The local actors were driven by a complex interplay of strategic factors and humanitarian considerations that resulted in a humanitarian effort. India's calculations in terms of Bangladesh bore fruitful result, but in case of Sri Lanka it remained a 'mis-calculation' or 'misadventure'.

India's Approach to Humanitarian Intervention in Post-Cold War Period: The Advent of R2P

1. Introduction

This chapter investigates the trajectory of the norm of humanitarian intervention in India's context in the post-cold war world order. It explains India's transitions with respect to the norm of humanitarian intervention in the 1990's environment. Further, the chapter investigates India's approach towards the new debate in humanitarian intervention, i.e. the responsibility to protect norm (R2P). The international norm of R2P was a political commitment undertaken by the member states of the UN collectively in 2005 to stop the atrocities in the form of genocide, ethnic cleansing, war crimes and crimes against humanity (World Summit Outcome 2005). The previous chapters have laid down the argument that the journey of the norm of humanitarian intervention transitioned through different phases in international relations in the overlapping histories of humanitarianism and human rights. Hence, this indicated the long drawn historical precedence of the norm in the nineteenth century and the cold war decades (Rodogno 2016; Dune and Staunton 2016). The norm of humanitarian intervention despite being heavily contested in international law and practice, still made its mark in a very nascent stage during this timeline (Bloomfield 2016; Klose 2020).

However, the trajectory of the norm of humanitarian intervention took a new turn in the 1990s as it became more accepted by the international community, though its contestation with sovereignty continued to interrupt its application. In this context, Heraclides and Dialla (2015) mentioned that humanitarian intervention in the form of military intervention to save innocent lives from brutal human rights violations entered the public consciousness earning a central place in the preoccupations of the decision makers and international organizations. As a result, two contradictions arose in this process: on the one hand, this willingness to save lives of other people was considered to be the epitome of human solidarity and at the same time, it was opposed as intervention in other people's territory (Heraclides and Dialla 2015). Hence, although collective humanitarian intervention under the sanction of UN has come to establish itself in the post-cold war period, its contestation with sovereignty did not seem to completely fade away.

As Weiss (2016a) argues, the 1990s was essentially a turbulent decade which further set the roadmap of continuities and changes for the norm of humanitarian intervention. In this period, the crises of the 1990s somewhat resolved the debate whether humanitarian crises met the criteria of 'threats to international peace and security' that needed military responses (Weiss 2016b). But, on one hand, while UN authorized military action became more recognized phenomenon and it was clear that sovereignty was no longer an absolute entity in the light of the human rights violations, but on the other hand, the shield of traditional state-sovereignty was not completely discarded (Weiss 2016b). And hence, the 'turbulent decade' embarked this tussle between addressing the humanitarian crises through usage of force and also occasionally respecting sovereignty. This period of 1990s also formed the building block for the advent of the norm of responsibility to protect in the sense that this was the time when the ideas were "fermenting prior to mobilizing the ICISS[6] in 2000" (Weiss 2016b). This historical period of the 1990s was crucial as it was in the connecting decade when the ICISS was trying to resolve the problems and remaining contestation surrounding coming to rescue for civilians thereby linking usage of force during violation of human rights (Weiss 2016a).

Hence, 1990s was the juncture that not only brought the debates surrounding humanitarian intervention to the forefront, making the discourse significant within the domain of international politics but it also settled down the way for the new aspect of responsibility to protect in the next decade. Therefore, given this transition in the norm of humanitarian intervention in the 1990s and subsequently with respect to R2P in the 2000s at the international level, this chapter analyses how to situate India's evolution of the norm of humanitarian intervention at its national level. In relation with the previous chapters, this chapter seeks to focus upon India's role with respect to the shaping the direction of the norm in the global-local nexus.

India's approach towards the R2P norm has been described to be either 'cautious', 'reluctant' or 'ambivalent' by various academicians (Virk 2013; Choedon 2017; Ganguly 2016). This has been mainly attributed to the fact that India's foreign policy has always opposed to the India of humanitarian intervention and put a greater weightage to the conceptions of 'sovereignty' and 'non-intervention'. This in turn has been considered due to India's 'predisposition' towards colonialism which has prevented it from giving adequate significance to the global norm of

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[6] International Commission on Intervention and State Sovereignty was an ad hoc commission which was formed in 2001 to establish the new concept of Responsibility to Protect under the idea of 'sovereignty as responsibility'.

humanitarian intervention (Choedon 2017). However, alternatively, Virk (2015) argued that India historically had shown solidarity against colonialism and took a leadership role in the anti-apartheid struggle. Scholars like Mohan (2010) and Bhagavan (2013) have suggested that India had an interventionist mindset as it maintained a strong human rights position during the early years of the cold war decade which also marked the decolonization process. Hence, rather than fixating on the notion of sovereignty, Indian actors played a crucial role in voicing against human rights abuses at the UN and also, took an active part in the peacekeeping operations under the institutional legitimacy of the UN in the international crises during cold war (Bhagavan 2010 and 2019; Bommakanti 2017; Sidhu 2019). India's concern with the norm of humanitarian intervention came into the limelight in the later period of the cold war decade during the Bangladesh war of 1971 and the Sri Lankan War of 1987. Based on historical archival records, the previous chapters examined India's humanitarian considerations in the cold war years. It argued that India localized the norm of humanitarian intervention in its foreign policy and also attached meaning to the norm thereby shaping its course of action. This chapter discusses transition with respect to the localization of the norm of humanitarian intervention in the immediate post-cold war environment of the 1990s and the decade of 2000s when the current version the norm of R2P came into existence.

It could be pointed out that a parallel body of literature has focused upon how the emerging powers of the developing countries have shaped the 'ongoing normative' R2P debate (Stuenkel 2014, Tocci 2016, Kurtz and Rottman 2016). Similarly, with regard to the 'West versus Rest' debate, these scholars have revisited the stance that despite 'reluctance' towards the norm of R2P, rising powers have taken a more nuanced posture towards the R2P debate (Stuenkel 2014). Emerging powers, particularly the BRICS powers which includes India, have acted as an important determinant for the norm of R2P in international crises just like their Western counterpart and it would be wrong to assume that they are 'irresponsible stakeholders' (Stuenkel 2014; Tocci 2016). They have supported the R2P norm in a vast majority of cases but yet, at the same time, their approach towards the norm has shown a more complex approach, particularly with regard to the application of Pillar III of the norm of Responsibility to Protect (Stuenkel 2014). In the context of this argument, Kurtz and Rottman (2016) too have opined that the non-Western powers, although they emphasize sovereignty, that did not led to the demise of humanitarian norms. Rather, the "concern for atrocity prevention" has become more universal with the participation of the non-Western rising powers in the R2P debate (Kurtz and Rottman 2016). Broadening our argument under this realm of thought, the chapter therefore

asks, what observations can be made in respect to India's localization process of the norm of humanitarian intervention in the post-cold war environment?

As was mentioned previously, our study has highlighted how India had maintained a humanitarian tradition in the cold war decade despite its affinity towards sovereignty. However, India indeed has shown its apprehension towards the norm of R2P since the very beginning. Khandekar (2015) mentions that India's response towards the RtoP proposal by the ICISS in 2001 was one of 'acute mistrust'. Although, India formally endorsed the R2P norm at the 2005 World Summit, "it retained serious and consistent reservations when it comes to coercive measures under this doctrine's third pillar" (Khandekar 2015:115). However, Khandekar (2015) too positions her argument in a similar direction that it is the country's colonial subjugation over the years that has made India sceptical about exterior interferences.

Moving beyond this argument and broadening our argument from preceding chapter about India's consolidation of the norm on humanitarian protection in the cold war decade, it focuses upon the normative trajectory of humanitarian intervention in the post-cold war decade in India's foreign policy. It tests the 'reluctance' position about India's R2P response and therefore, studies the deviations in India's approach to humanitarian intervention and R2P in the post-cold war world order.

This chapter constructs on the various debates on humanitarian intervention and R2P in India's context and is divided into eight sections including the introduction and the conclusion. Following the introductory segment, the next section discusses India's views on humanitarian intervention in the post cold war environment of the 1990s. The third section highlights the theoretical discussions surrounding the new global norm of R2P. As the R2P becomes the new concomitant of the norm of humanitarian intervention, the chapter delves in the fourth section what has been India's approach towards the norm of R2P. The fifth section discussed India's recent trends with respect to the norm of humanitarian intervention. The sixth section analyses the localization of the overall norm of humanitarian intervention in the 1990s and 2000s followed by the conclusion.

2. India and Humanitarian Intervention in the 1990s- the Post-Cold War Order

This section of the chapter analyses what has been India's consideration with respect to the norm of humanitarian intervention in the post-cold war environment. As was discussed in the

introductory segment of the chapter, the norm of humanitarian intervention acquired a new dimension in the 1990s.

- **The norm of humanitarian intervention in the 1990s**

The previous chapters have looked at how the norm of humanitarian intervention went through different stages in the course of its evolution. It however, became more recognized and established in the 1990s, which was the post-cold war world order. The 1990s, Thakur (2018) argues "were a challenging decade with regard to conscience-shocking atrocities." This period saw the rise of humanitarian crises with UN Security Council playing an active role to stop violence in the territorial sovereignty of sovereign states. Throughout this time frame, UN's "unpredictable and diverse" involvement included Iraq to Bosnia, Somalia to Haiti, Kosovo to East Timor (Weiss 2016). Therefore, many saw the end of cold war as "catalyzing rebirth of the United Nations" and this "renaissance bore witness to an urge to sort out the problems of civil strife that seemed out of control" (Weiss 2016). Hence, 1990s witnessed a new type of activism from the part of the UN Security Council where it 'extended' the Chapter VII powers to matters that earlier belonged to the territorial sovereignty of the nation-state (Wheeler 2004).

As a result, there seemed to be an increased level of interventions on humanitarian grounds as compared to the cold war decade. This has also been argued by a lot of other significant scholars in the discipline such as Valentino (2006) who not only calls the 1990s phase "the era of humanitarian intervention" but also mentions that although humanitarian intervention as a phenomenon long predates this decade, humanitarian missions were more frequent in the nineties and it was most likely to be carried out through the usage of military force. This was a 'hopeful decade' where there was new level of optimism to save the life of the other people suffering from human rights violations and hence, United States along with the collaboration of other nations undertook military based humanitarian operations in the countries such as Northern Iraq, Somalia, Haiti, Bosnia and Kosovo (Valentino 2006: 723-24). Expanding on this debate further, therefore, the fundamental shift that could be observed in the trajectory of the norm humanitarian intervention in the post-cold war period has been that while during the cold war decades the norm gained some relevance, it was still not acceptable to majority of the international community but in the post-cold war era, most were opposed to humanitarian intervention if did not have an UN mandate (Heraclides and Diala 2015:3).

This new trend was often claimed to be led mostly by the Western powers that required the legitimacy of the UN to push for their actions to 'protect civilians in other countries' (Wheeler

2004). This change in the 1990s, Roberts (2004) mentions occurred mainly because of two noticeable reasons: First, there was a change in the Great Power relationships in the UN Security Council because of the decline and collapse of the Soviet Union. This has been validated by Einsiedel and Malone (2018) who argue that the dynamics within the Security Council changed with greater cooperation amongst the P-5 members. Second, there was a greater willingness to view internal conflicts as potential threats to international peace and stability, thereby needing the Council's actions (Roberts 2004: 81). The chapter does not deeply delve into case-by-case analysis of all the conflicts as it is the beyond the scope of the work, but takes a cumulative approach to analyse these conflicts and how it shaped the trajectory of the growth of the norm of humanitarian intervention in the 1990s. This would provide us an insight to situate the extent of India's localization of the global norm in is domestic context in this period.

The first test case for intervention that took place in this century of 'humanitarian interventions' was the US led intervention in Iraq in 1990-91 under the aegis of UN. But while on one hand, such interventions paved the way for deeper entrenchment of the norm and made it more relevant, at the same time, it did give rise to the questions of credibility, legitimacy and agency of the UN in using military force for protection of civilian populations. Denouncing the Iraqi repression of the Kurds in the beginning of the 1990s, the Security Council adopted the resolution 688 during this period. The Security Council passed resolution 688 in April 1991 to provide additional protection to the Kurdish and Shi'ite populations due to the onslaught on them by the Saddam Hussein's government. According to Weiss (2016), the Council considered the death and displacement of the two communities as a threat to international peace and security. Weiss (2016) further adds in his arguments that while the Council has taken such decisions earlier in case of Rhodesia and South Africa against apartheid regimes, the 1991 resolution was "more robust and immediate enforcement of human rights". However, it was this 1991 mandate that Weiss (2016) argues provided for more authorized and robust implementation of human rights. While under resolution 688, UN did not directly use the language of Chapter VII (Bloomfield 2016; Weiss 2016)-- there was no explicit enforcement provisions that was included in this resolution as China and Russia threated to veto an earlier draft of the same resolution--it mandated "no fly zones' in northern and southern Iraq and authroized the "use of all necessary means" or Operation Provide Comfort and enforced safe zones (Weiss 2016). Hence, this language helped the US led coalition to justify their action and provide assistance to a humanitarian crisis.

The UN also responded with a series of sanctions against Iraq's forceful annexation of Kuwait in the 1990 through a 'comprehensive UN trade embargo', and when these sanctions failed, the Council adopted resolution 678 that authorized the US-led coalition of member states to expel the Iraqi from Kuwait, which came to be known as the Persian Gulf war (Einsiedel and Malone 2018).

UN success in the Iraq war definitely ushered in the euphoria of the 'new world order' and the 1990s saw an increased level of imposition of UN sanctions (Einsiedel and Malone 2018). The Council mandated peace operation could successfully deal with the civil conflicts such as in El Salvador, Cambodia and Mozambique in 1992. The scope of these mandates were broader than its predecessors, according to Einsiedel and Malone (2018), as it consisted of humanitarian civil components that tend to political, civil, human rights, electoral and humanitarian tasks.

However, this was a period when a series of humanitarian crises started to occur simultaneously. In 1992 Liberian civil war was declared to be a threat to international peace and security. However, this intervention was limited to an arms embargo (Bloomfield 2016:25). From 1990 to 1997 in Liberia, the ECOMOG or Military Observer Group of the Economic Community of West Africa (ECOWAS) deployed without a Security Council authorization (Weiss 2016). Similarly, the situation in the Bosnian war also was declared as 'a threat to international peace and security' and the fact that here too, the condition was limited to an arms embargo (Bloomfield 2016:25). Moreover, the "bombing missions against the ethnic Serbian militias who had been perpetrating many of the atrocities had some Security Council backing- a no Fly Zone was imposed in 1992" for example- but the NATO's efforts to deploy force had been hampered by delayed approval processes by the Security Council and the tendency of the UN peacekeeping mission, UNPROFOR, to privilege the soldiers over civilians (Bloomfield 2016:25).

The Bosnian war therefore, revealed the lacunae faced by the Security Council - the delays in decision making of the UN and also the intent of the UNPROFOR's (UN Protection Force in the Former Yugoslavia) task under resolution 776. The scope of this resolution was considered to be ambiguous as under this, the troops were supposed to follow normal peacekeeping that authorizes the use of force under self-defence and did not mention the usage of Chapter VII of the Council that would protect the civilians from slaughter (Morris 2004:105). Hence, in Bosnia, the Council resorted to 'rhetorical posturing' while its mission faced difficulties at the ground level, promising to protect civilians in the so called 'safe areas' without providing

necessary military and political support to fulfil the promise (Einsiedel and Malone 2018). The UNPROFOR only used the threat to use force (NATO'S airpower) to ensure its own movement, which actually increased the risk to lives of humanitarian actors i.e. the civilians. The war only intensified with the involvement of NATO and Operation Deliberate Force whose initial involvement was restricted to 'coordinating' with the UN.

Another intervention also took place in Somalia where the UN again responded to a internal human rights tragedy. But, here too, the response was characterised to be a 'threat to international peace and security'. In Somalia in 1992 and 1993, the UNISOM II (UN Operation in Somalia II) was deployed first with UN authorization and was a mission under Chapter VII to deploy "all necessary means to establish...a secure environment for humanitarian relief operation" (Bloomfield 2016:24; Weiss 2016). The initial failure of the this mission led to UNITAF(Unified Task Force) which was a US-led delegated operation (Weiss 2016). However, here too, the UN's response to the crisis was disputed. While a few countries objected to forceful intervention, the resolution was considered to be 'unique' and 'exceptional' as it was neither a consensual or non-consensual intervention as there was not functioning government to oppose or request it (Bloomfield 2016:24). However, the mandate for military action against faction violating the ceasefire, which was consistent with humanitarianism, led to a war with a powerful militia that led to "Blackhawk Down" situation which killed eighteen American soldiers (Bloomfield 2016; Einsiedel and Malone 2018). UN's new-order euphoria further revealed the insufficiency of the Security Council in the Rwandan case. Here, the Security Council reduced the deployment of the UN peacekeeping forces (UNAMIR) as soon as the crisis intensified, leading to death of innocent people in 1994. It was expected that the UN mission would help to implement the Arusha Agreement, a 1993 peace accord that was signed to bring about peace in the civil war, but instead, the UN soldiers became witness to the genocide (Bloomfield 2016; Lakin 2019). As the Council reduced the UNAMIR from 2500 to 270, it was evident that the UN peacekeeping suffered from a very narrow mandate, where the UN Security Council limited the task of the officials to only "monitoring, assisting and investigating the crimes and violence" and not explicitly intervene to stop the slaughter (Lakin 2019). Here too, the officials could use force only for the purpose of self-defence or to evacuate foreigners (Lakin 2019). Further, although it was declared as a threat to international peace and stability, the veto powers declined to use the term "genocide" and refused to take concrete steps to intervene in the crisis. It was only France's Operation Turquoise and subsequent offensive that ended the genocide (Bloomfield 2016:26). In an interview in 2014, former UN chief, Ban

Ki-moon said that the "troops were withdrawn when they were most needed" (Lakin 2019). Therefore, in Rwanda April 1994 and at Srebenica in July 1995, the presence of UN Peacekeeping Forces did not save the victims from the slaughter. While subsequently, the UN did authorize the use of force for providing a protective mandate, in 1999 the result of inquiries suggested that UN did not take timely and effective decision to stop the slaughter of the victims.

However, the biggest challenge to humanitarian intervention that the international community faced was the Kosovo crisis of 1999. According to the Einsiedel and Malone (2018), the notion of humanitarian intervention remained highly controversial in the Security Council and this issue resurfaced during the Kosovo war due to the conflicting approaches to the situation by the P-5 members. Badescu (2011) argues that while the earlier cases of Bosnia and Rwanda epitomizes the lack of appropriate reaction in the wake of mass atrocities, NATO's actions in Kosovo was considered to be illegal. In March 1999, the NATO started a bombing campaign against the former Federal Republic of Yugoslavia in order to protect the Albanian population from getting ethnically cleansed (Badescu 2011). Although NATO's actions were morally considered to be justified, it violated the international law as the UN Security Council had not authorized the military intervention (Badescu 2011). This bombing campaign against Serbia without the Security Council authorization was opposed by member states. The divisiveness in the Security Council was evident: only UK and the Netherlands cited humanitarianism as a primary ground for intervention while countries such as Germany made it clear that the EU members have only moral obligation and not a legal obligation to act in the crisis (Bloomfield 2016:27). Countries such as Russia and China too showed their outrage towards the intervention, calling it as a 'blatant violation of international law' (Bloomfield 2016:27). Hence, the Kosovo case showcased how in the 1990s, despite gaining prominence, the norm of humanitarian intervention still remained a controversial norm. As Welsh (2004) argues, the aftermath of NATO-led action in Kosovo brought into focus the question of who should and who can engage in humanitarian intervention. It highlighted the restrictions faced by the "developing norm" of humanitarian intervention because of NATO's unilateralism over Kosovo (Wheeler 2004:30).

The brief account of the cases unravel the position of the norm in the 1990s post-cold war environment and the associated debates surrounding the norm in this new period. Although the norm of humanitarian intervention acquired a new dimension and became more permissive in the 1990s environment, it came with limitations and challenges. The 1990s decade started and ended with multinational coalitions undertaking high intensity military operations in cases of

humanitarian catastrophes which at times raised scepticism about the usage of military forces for protecting human beings (Weiss 2016). The UN through the fresh interventions in the post-cold war period broadened the definition of 'threat to international peace and security' that would enable enforcement actions in cases that were earlier considered to be outside the purview of the Council thereby redefining the 'limits' of sovereignty (Welsh 2004). Hence, there was a tendency to address the transboundary effect of a 'internal crisis' under the clause of "international threat to peace and security." But this did not remove the conflict between norm of humanitarian intervention with sovereignty in this new world order environment. Welsh (2004) argues that the norm faced an "ambiguous status" because of continued opposition from the various members of international society and about its negative consequences in terms of its impact on the norm of territorial sovereignty and non-intervention. Similarly along these line, Badescu (2011) also points out that in the 1990s the international actors tend to agree that international actors cannot remain silent when there is massive violation of human rights within the domestic boundaries and yet, state sovereignty continued to occupy the central position when it comes to taking adequate action in cases of human rights violation. But most of the cases of humanitarian intervention continued to be implemented under the continuation of Chapter VII of the Security Council. This suggested that States continued to remain reluctant to assert that human rights violation conducted by the government against its own people was in itself a valid ground for the justification of use of force (Welsh 2004:5) Although there was an enlargement in the definition of threat to peace and security, what constituted a "threat" continued to remain debatable.

Hence, two things were evident regarding the journey of the norm in the 1990s post-cold war period: First, as compared to the cold war decade, humanitarian intervention made space for its application in the human rights field gaining prominence in the post-cold war period and therefore, human rights violations were begun to be considered as having a transboundary effect invoking Chapter VII of the Security Council. Secondly, despite the fact that traditional meaning of sovereignty was being challenged due to the growth of human rights values in the 1990s, Council members continued to remain protective about the non-intervention principle, while those who were opposed to humanitarian intervention continued to push for the justification of its application under Chapter VII that constitutes to "threat to international peace and security" (Wheeler 2004).

The lack of sufficient atrocity prevention in the light of the conflict in cases like Rwanda and Bosnia, along with NATO's forceful intervention in Kosovo, led to new discussions about the

norm of humanitarian intervention towards the end of the millennium regarding the legitimacy of the norm of humanitarian intervention. This made provisions for the development and growth of the new version of the norm of humanitarian intervention, the responsibility to protect doctrine or the R2P, which came up in the 2000s. This would be discussed further in the subsequent sections in more details.

Hence, it was this changing dynamics of the norm of humanitarian intervention in the 1990s that we need to situate India's localization process of the global norm during this period. In other words, the transition of the norm in this period therefore provide us the background for explaining how did Indian political actors respond to the norm of humanitarian intervention and to what extent did the actors diffuse the norm in India's foreign policy at the domestic level.

- **India and the norm of humanitarian intervention in the 1990s**

Roberts (2004) has argued how in the post-cold war era, the UN's role undertook a shift. This was fundamentally associated with the argument of use of force and the patterns of interventionism from its traditional position of non-intervention in territorial spaces thereby respecting sovereignty. Our previous chapters too, have highlighted this narrative that how use of force was not associated with protecting civilian population in cases of human rights violation but had a limited approach (applied to cases of threat to international peace and security and self defence). But while in the 1990s there was a renewed focus on UN to establish international humanitarian norms (Roberts 2004), the trajectory of the norm of humanitarian intervention in India's context, took a more rigid turn. Mukherjee (2013) focuses on India's transition towards the norm of humanitarian intervention in the post-cold war period and opines that since the end of the cold war, UNSC position has become more interventionist in nature as an organization but India's position has taken an opposite turn in the 1990s. Following Bhagavan's (2013) direction of thought, Mukherjee (2013) also points out that contrary to the popular perception, India was not staunchly opposed to intervening in the domestic matters of other countries. India believed in securing human rights at the expense of state sovereignty but UNSC on the other hand, barring a handful of peacekeeping operations, adhered to the principle of state sovereignty as its foundational principle during cold war years (Mukherjee 2013). This argument was also established by Krause (2016), who, focusing on the disparity in India's approach towards the norm of humanitarian intervention, rests his analysis mostly on the fact that how India perceives itself to be a regional hegemon who prefers to set his own rules of the game. Therefore, highlighting India's "double standards" in judgements regarding

intervention, he too points out how in the earlier times India was a vociferous critic of the South African apartheid regime, maintained a tradition of military intervention in the neighbourhood and also contributed to UN peacekeeping missions (Krause 2016:11). But in the post-cold war environment, India turned more sceptic towards military intervention (Krause 2016:11). Hence, what can be observed is India's changing approach towards the norm of humanitarian intervention in the post-cold war environment. To understand this change, it is significant to focus on India's global-local interaction with the emerging world order of the 1990s.

With the end of the cold war and the collapse of the Soviet Union, the emergence of the new world order of the 1990s was considered to be a new turning point for India's foreign policy. The changing international context not only played a crucial role in India's domestic 'local' context such as modulating its national foreign policy, but it also showcased how India would be reciprocating to the global norms in the new decade, particularly the norm of humanitarian intervention. Hence, the direction of the norm of humanitarian intervention in India's foreign policy needs to be analysed under the realm of this changing global-local dynamics viz-a-viz the new world order.

Experts on Indian foreign policy has examined India's new foreign policy dynamics that came to existence in the 1990s. The end of the cold war coincided with dramatic economic and political changes within India. In this period, two features defined India's foreign policy vividly: In political terms, India was going through a phase of coalition politics and formation of alliances, while in economic terms, India faced a severe crisis in the 1990s period. As Bloomfield (2016) correctly points out that this was "trying time for India" as the Congress party began to lose its traditional dominance while BJP government although, rose to become a serious contender, but it could not secure majority in the Lok Sabha elections. This was a time when after twenty-five years of Congress in 1989, formation of coalition governments became the new norm at New Delhi, marked by the rise of caste based parties such as the Bahujan Samaj Party or BSP that represented the Dalits, regionally focused parties such as the DMK and also, other smaller nationally competitive parties (Bloomfield 2016:79). The phase of the alliance culture from 1989 onwards hence, indicated the formation of unstable government at the Centre particularly under V.P. Singh and Chandra Shekar. Along with this, a major economic crisis also challenged India in the 1990s. Dogra (2020) correctly points out that a succession of weak governments followed that of Rajiv Gandhi at a time when India needed direction particularly in its economic, political and strategic sphere. While the world around India was changing rapidly, India, particularly its economy was in a very critical shape.

An acute balance of payment crisis and low foreign currency reserves forced India to seek assistance from the IMF and additionally, it was the first time that India had to sell its gold reserves since independence (Bloomfield 2016; Dogra 2020). It was only when in 1991 when the new Congress-led coalition government headed by P.V. Narsimha Rao initiated a reform programme led by former Finance Minister (and later Prime Minister) Manmohan Singh that modernised the tax system, deregulate the industry and liberalize the private sector along with freeing up investment and trade. Hence, Dogra (2020) claims that the transition from Nehruvian economy began from 1991. Mohan (2003) as correctly mentions, that the end of the cold war "removed all the benchmarks that guided India's foreign policy". Such a fundamental change occurs when there is a revolutionary change either at home or at the domestic level- India was just facing this situation in the 1990s (Mohan 2003). So, the question therefore arises, that how in this changing international and domestic environment did India locate a global norm in its foreign policy such as that of humanitarian intervention? The assessment of the position of the norm in India's context during this period therefore, needs to be considered in this scenario of the internal political and economic crisis that the country was going through in this phase and the shifting dynamics of the norm at the international level in the changing global world order of the 1990s (which has bee discussed in details in the previous section).

Malone (2011) in his book, *Does the Elephant Dance* ? *Contemporary Indian Foreign Policy*, explains India's foreign policy transitions in three phases. The period immediate after independence, was marked by a phase of unified idealism under the leadership of Pandit Nehru where India's foreign policy seemed to be moralistic to outsiders as it chose the middle path of non-alignment, defining its national interest in terms of world cooperation and peace (Malone 2011:48). But similar to other contemporaries, Malone (2011) too points out how India's international actions were consistent with its domestic and foreign policy outlook and India's posture regarding the various international crises were seen by the West as inconsistent with its assertions on idealism. India sided with the other South Asian Third World countries in the fight against imperialism (Malone 2011: 49). This policy was further established by Nehru's envoy Krishna Menon and also by, the next Prime Minister Lal Bahadur Shastri (Malone 2011).

The second phase was the period of intermittent realism in the 1970s and 1980s, where India took a proactive stance towards military intervention in the 1971 war, and also this phase witnessed a drift away from non-alignment and moving towards the Soviet Union (Malone 2011:50). However, the 1990s period was significant in India's context as it marked the birth of pragmatism in India's foreign policy, particularly in its domestic sphere amongst the

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political parties where alliances became the reality of the times, mostly built upon convenience than on ideological sympathy (Malone 2011:51). Keeping in mind this sphere of this transition in the 1990s, the evolution of the norm of humanitarian in India's policy took an alternative turn in this new decade.

The economic and political changes suggested how India underwent a transformation in the 1990s, particularly in its foreign policy. The 1990s situation presented difficult challenges for India as "India has generally seen itself as a world power in making, and conducted its regional and international relations of this basis" (Thakur 1992). But, shift in the political dynamics and the balance of payment crisis simultaneously, further triggered changes in India's regional and international ambitions in this new period. The collapse of the political and economic structure at the domestic level along with the breakdown of its significant ally i.e., the Soviet Union, Indian actors were forced to find new anchors for driving its external relations. Soviet Union was not just India's principle partner but was also its major trading partner, India became more vulnerable to hostile resolutions at the United Nations, introduced fresh instabilities and brought new competitors for foreign aid (Thakur 1992:175). But however, while the collapse of Soviet Union made India more vulnerable on the one hand, it also created more opportunities for India. As correctly pointed out by Bloomfield (2016) that soon Indian policy makers realised that the circumstances in the 1990s was indeed discomforting for India but it nevertheless created opportunities such as improving relations with the West especially America. In his speech in 1991, Minister of State for External Affairs, Mr.Eduardo Falerio (1991) mentioned,

> "the new international order, therefore entails pressure on the developing countries...the present international situation presented complex and uncertain environment for the developing countries where there will be new opportunities but also increased vulnerabilities...".

Four broad themes summarize India's new world order aspirations: a restructuring of great power relations, reshaping the South Asian policy, restructuring of the great power relations and re-thinking of some of its core tenets such as non-alignment and re-interpret it in the 1990s situation (Mohan 2015a). India also started to follow the Look East Policy since the 1993 and the new orientation resulted in achieving the status of a Dialogue Partner of ASEAN in 1994 (Horimonto 2017). In the latter half of the 1990s, India was all set for its first strategic partnerships (Horimonto 2017).

According to Ambassador(retired) Achal Malhotra (2014), in order to adjust and adapt with the fast changing geo-political realities, India forged strategic partnership with all major players such as Russia, China, USA and the EU. India also made some significant regional links through groupings such as BRICS and IBSA (Malhotra 2014). Hence, India's transformation occurred both at the global systemic level as well as at the local domestic level.

It is amidst this changing equations in the 1990s, that we can posit about how India's local actors schemed to address the issue of humanitarian intervention when the norm itself was also undergoing a new momentum in this 'decade of changes'. As it was seen in the preceding segments, UN sanctions and Western military intervention, particularly under the US guidance, became the primary focus of attention in the 1990s. India's response to the international crisises and the significance of the norm of humanitarian intervention in India's foreign policy faced a predicament in this new decade. India's approach towards the UN peacekeeping mission also took a new shape in the post-cold war period. Bullion (2007) argues that in "the post-cold war security structure, India is undergoing through a major re-evaluation of its regional and global roles." While India's earlier participation in the UN peacekeeping mission (since the time of independence in 1947) represented its Third world credentials and also its commitment to the principles of the UN, on the other hand, in the post-cold war period, India's solidarist objectives were superceded by its wider global ambitions and influence in the world stage (Bullion 2007).

India not only became very firm when it comes to application of the norm in practice (particularly its usage by Western powers), but also became a strong supporter of the sovereignty and non-intervention in this period. For India, forceful expulsion of the Iraqi troops from Kuwait which was backed by a UN mandate was a highly controversial issue (Krause 2016).

New Delhi was one of the first powers to recognise the Baathist regime when it came to power and Baghdad has consistently maintained a pro-India stance (Marathe 2019). India's first statement towards the Kuwait crisis was on August 3 that highlighted the concerns about its nationals trapped in the conflict zone (Qumar and Kumaraswamy 2019). In his autobiography, External Affairs Minister, IK Gujral (2011), wrote: "We are closely watching the changing situation and the Indian's living in the region are safe". He further highlighted the dilemma that he faced during the crisis (Gujaral 2011:313),

"I was inclined not to go beyond 'deplore' in view of our friendly relations with Iraq and its forthright stand in our favour at the OIC Cairo conference. I had to counter poise both the

Iranians and the Saudis who were helpful to us at various points of times. All the same the Iraq-Kuwait war and its impact demanded my complete attention since nearly 200,000 Indians were living in Kuwait."

Bhagwati (2019) argues that I.K Gujral's visit to Kuwait and his photograph hugging Saddam was interpreted by the media as an expression of India's support for Iraq which damaged India's image around the world. However, the Singh government could successfully carry out a major airlift operation to bring back the civilians stuck in the Iraq war (Bhagwati 2019). It was justified by supporters of the government that India's bonhomie with Hussain was to buy time to evacuate Indians from the war struck zone (Bhagwati 2019:155).

India however, was not in support for Iraq's invasion and "misread the whole crisis" as it believed that "US would not risk a vast and costly military operation and would not go beyond some symbolic concessions to the al-Sabah"(Qumar and Kumaraswamy 2019). India felt that war was not a suitable option to settle down the Kuwait crisis and this line of thinking resembled its Third world solidarity against imperialism and the hope that Arab countries would be united against any American effort to force a military solution (Bloomfield 2016; Qumar and Kumaraswamy 2019). However, the Chandra Shekar government in March 1991 agreed to refuelling facilities for US military aircraft in Bombay and Madras that met with domestic criticism particularly from the Congress (Bloomfield 2016:80; Bhagawati 2019:157). Chandrashekar however understood the potential of the Iraq war to become a grave crisis for India's economy (the oil prices being the major problem) and also, the impact of it in the Indo-US relationship. Therefore, for the sake of India's national interest he wanted IK Gujral to take the responsibility of the situation (Gujral 2011: 322). However, the Chandrashekar government was toppled very quickly with the Congress withdrawing its support within four months of helping him to become the Prime Minister.

After a year at the UNSC, India abstained from voting on the Resolution 688 along with China, which authorized the imposition of a no-fly zone over the Kurdish population and justified it by saying that the Security Council "should at all times keep in mind to respect the sovereignty and territorial integrity of states-including, in this case, Iraq" (Krause 2016; Bloomfield 2016). India's annual report from the Ministry of External Affairs for the year 1991, says that India's policy towards Iraq, since the time military action was launched against the country had twin objectives of "limiting the armed conflict and minimising human suffering" (MEA Report 1991). With regard to the imposition of sanction to Iraq, India urged that the humanitarian

aspect of the situation should also be taken into consideration while making sufficient condition for peace (MEA Report 1991).

In the light of ending the Cambodian crisis, the Comprehensive Peace Agreement in signed in Paris in 1991 came into action, as a result of which the UN peacekeeping force begun preparation for the deployment of personnels in Cambodia. The United Nations Advanced Mission in Cambodia was assigned (UNAMIC), where India also made its contribution in the peacekeeping mission (MEA Report 1991). India also contributed in the United Nations Transitional Authority which helped Cambodia during the interim period till the time of formation of the new government (MEA Report 1991).

India was on the Security Council when the humanitarian crisis in Somalia deteriorated in 1992 and India voted for Resolution 794 which authorized the use of necessary means to distribute humanitarian aid in terms of bringing relief to the starving Somalis (MEA Report 1992-93). India also agreed to participate in the peace-keeping operations "with one Corvette and one LST and with a brigade including paramedical units from the Army and Navy" (MEA Reports 1992-93). However, Bloomfield (2016) argues that while India considered the country as a "unique challenge"and committed peacekeepers to UNSCOM II, it was not in support of undertaking the hard peacekeeping method which US was involved in. The "absence of Somalian state to give or withheld consent was a crucial determining factor for India (Bloomfield 2016: 81). India although seconded Lieutanant-General Satish Nambiar to command UNPROFOR in Bosnia 1992 (who quit in frustration in 1993 due to UN's refusal to provide adequate supply to protect safe-areas), India did not take part or openly support the Operation Deliberate Force air-strikes in ending the conflict (Bloomfield 2016:82). As a matter of fact, India's official annual report from the MEA (1992-93) clearly mentioned about India's position regarding the crisis,

> "India fully supported the Security Council's Resolutions aimed at resolving the conflicts in Croatia and Bosnia-Herzengovina. However, India abstained on Resolutions permitting the use of force for protection of humanitarian convoys on the grounds that this was contrary to her principled position that all use of force sanctioned by the UN must remain under full UN command and control. India also abstained resolution denying FRY's right to participate in the General Assembly."

Therefore, in the 1990s, it was clear that India believed in resolving humanitarian crises, but it was not in favour of "use of force" as a valid medium for the ending of the conflicts particularly

which remained under the total control of UN and the major powers such as US. But while India has resisted interventions that furthered the interest of Western powers, it has shown tolerance and support for interventions which are backed by developing countries in the region (Serrano and Weiss 2014). Such example has been the case of Sierra Leone where India was ready to get involved in a more 'muscular' form of intervention (Bullion 2001). India joined the humanitarian intervention in Sierra Leone in 1998 and committed 3000 troops (Bloomfield 2016:82). As the atrocities increased, the Security Council (without India's input) authorized UNAMISIL to use force for the protection of the civilians (Bloomfield 2016:82). In May 2000, rebel captured over 500 peacekeepers including 12 Indians (Bloomfield 2016:82). India became involved in efforts to free them and also, while it counselled against authorizing for a more intrusive intervention, it also opposed the withdrawal of the forces (Bloomfield 2016:82). Rather, India proposed to send a second battalion to bolster the strength of UNAMSIL strength and stated that India "has no intention of pulling out" (S/PV.4139). However, India subsequently was uncomfortable with the usage of the Chapter VII peace enforcement mission of the Charter (Bullion 2001). India believed that the usage of Chapter VII would not serve the purpose as it would not only increase the number of casualties, but would also bring a bad reputation to the UN (S/PV.4139). Hence, India hoped that "the Council may wish to keep under review" (S/PV.4139). India's Army Chief of that time, General V.P Malik also issued a forceful criticism of the United Nations in September (Bullion 2001). However, India decided to withdraw the troops and the decision was taken by Prime Minister Atal Behari Vajpayee who was facing criticism from the MPs and leading armed forces personnel for continuous participation in the mission (Bulion 2001: 78).

So, the crisis reflected India's guarded approach toward the application of the norm of humanitarian intervention in the post-cold war environment, particularly regarding the usage of force under the UN mandate. India's real test for humanitarian intervention, and commitment for the traditional interpretation of sovereignty was challenged and reinforced by the Kosovo crisis in 1999. The NATO's operation in the Kosovo crisis in 1999 led to a very "harsh response" from India's political elites which was influenced by the fact that Yugoslavia and Belgrade were important for the Non-Aligned movement (Krause 2016). A statement issued by New Delhi by the Ministry of External Affairs (S/PV.3988) stated:

> "The Government of India has closely been following developments in Kosovo. It recalls its statement of 9 October 1998 and reiterates that the sovereignty and territorial integrity of the international border of the Federal Republic of Yugoslavia is inviolable. That must be fully respected by all States"

India strongly believed that "Kosovo is recognized as part of the sovereign territory of the Federal Republic of Yugoslavia. Under the application of Article 2, paragraph 7, the United Nations has no role in the settlement of the domestic political problems of the Federal Republic" (S/PV.3988). The only exception allowed was under Chapter VII of the Council and since, the attacks undertaken by NATO was not authorized by the Council, India considered the unilateral action to be completely illegal (S/PV.3988). India was the advocate of sovereignty and condemned the military operation on the ground that domestic political matters should be settled peacefully by the concerned parties and military intervention only worsened matters rather than resolving the issue (S/PV.3988). Bloomfield (2016) further adds that India was upset about the pre-war negotiations that was held at the Rambouillet Conference in the early 1999, especially the way Western powers had presented an ultimatum to Yugoslovia with either of the two options: either accept the peacekeeping force or prepare for war. Virk (2013) points out how domestic politics might be responsible for India's diplomatic reaction to the Kosovo crisis. The BJP led government was in a fragile coalition with a weak grip of power, as the forced resignation within weeks of the start of NATO bombing campaign highlighted (Virk 2013:72). India at that point of time was vulnerable to submission to US pressure in the nuclear dialogue an hence, maintaining a firm stand on Kosovo help to nullify accusation of bowing to US pressure and compromising with India's autonomy (Virk 2013: 72). Ganguly (2016) mention that India's position was also determined as a member of NAM and hence, took the position that in the Kosovo war, there was no right to humanitarian intervention by the NATO forces.

Hence, in this period, India seemed to have drifted away from the norm of humanitarian intervention. The changes in the various political actors in the post-cold war period along with other economic transformations at the domestic level influenced India's understanding of the norm. Simultaneously, the changes at the international level in this new world order also affected India's understanding of the norm. While determining the extent of localization of the norm of humanitarian intervention remains a complex phenomenon in its foreign policy, due to these transitions at the international and domestic level, India has shaped the dynamics of the norm as well. India's response with respect to the various international crisis shows that India was not against the norm of humanitarian intervention itself, but it had issues with the way the norm was put into practice under Chapter VII by the Council and the Western powers. As Virk (2013) correctly points out, question is not about whether international community

should respond to humanitarian crises or not but the question is 'how' it has been done. India through its scepticism regarding the 'use of force' by the Council have definitely defined the boundaries of the application of the norm. India's dilemma with respect to the norm of humanitarian intervention would be further discussed under the realm of the new version of the R2P norm.

3. The Emergence of New Debate of R2P

With the beginning of the new decade of 2000s, the concept of humanitarian intervention went through a major process of transition with the advent of the concept of responsibility to protect or the R2P norm. Herz (2014) mentions that "the debate on humanitarian intervention in the post-cold war era and on R2P since the 2001 publication of the International Commission on Intervention and State Sovereignty (ICISS) report are key to understanding the concept of sovereignty and attempts to establish its meaning". This section of the chapter would provide a brief overview and the key principles and background of the R2P debate which emerged by the end of the decade in the 1990s.

By the end of 1999 Kosovo war, there emerged some serious concerns regarding the unilateral usage of force by NATO that gave rise to the major debate that whether the use of force for humanitarian purposes might be justifiable (Bellamy and Dunne 2016). The complexity of this debate could be seen in the international commission's findings which probed into the matter and argued that NATO's actions were 'illegal but legitimate' (Bellamy and Dunne 2016). Moreover, as UN could not react in an appropriate and prompt manner to halt the humanitarian tragedies in Rwanda, Burundi, Bosnia, Kosovo and elsewhere, a central dilemma that emerged amongst the states were whether "UN's current regulations on the use of force meet the challenges of the post-cold war war, and in particular with the demands of addressing humanitarian emergencies" (Badescu 2011:1).

As a result of this, the R2P doctrine was first envisaged in Kofi Annan's opening speech in the General Assembly which was reiteration of the points from his essay in *The Economist,* where he contrasted the concepts of state sovereignty with that of individual sovereignty (Cater and Malone 2016). In the article, it was highlighted that the concept of sovereignty has undergone an alteration since the end of the cold war, in the new phase of globalization and international cooperation and states should serve the people and not the inverse (Cater and Malone 2016). Individual sovereignty was also progressing through the awareness of the civil society (Cater and Malone 2016). Further, in his "Two concepts of Sovereignty", Annan (1999) mentioned

that the Kosovo conflict and its outcome has resulted in a major worldwide debate giving rise to difficult questions related to the usage of armed intervention in humanitarian crises. In order to avoid the tragedies, therefore, it was essential that the world community comes together not only on the principle that massive and systematic human rights violation should be checked but also, deciding on what actions should be taken (Annan 1999). He therefore, lays down the foundation of R2P by emphasizing that the "developing norm" is significant to prevent slaughter of civilians, however, it will still continue to be a challenge for the international community (Annan 1999).

However, Annan's proposition led the international community to formulate a prescriptive framework for the contentious humanitarian intervention debate. In respone to Annan's challenge to reconcile state sovereignty with protection of civilians, the Canadian Government (Prime Minister Jean Chretien) announced the formation of International Commission on Intervention and State Sovereignty (ICISS) in 2000. The Commission aimed to resolve the humanitarian conundrum, and was chaired by the former Australian Foreign Minister, Gareth Evans and UN Secretary General's special advisor at that point of time, Mohamed Sahnoun (Badescu 2011). Hence the Commission was aimed to assist Annan and other key important players in finding a common ground to R2P (Kingsbury 2012). The ICISS report was considered to be the "formal progenitor" of the R2P norm. In 2001, the ICISS issued its ninety pages report, "The Responsibility to Protect" outlining its key principles. There were four precautionary principles that were outlined: that the intention must be to halt or avert the human suffering, military intervention should be used only as a last resort, the means of intervention should be proportional to the intervention and lastly, there must be "reasonable prospects" for action that would result in a better outcome than not taking action (Cater and Malone 2016). The ICISS also proposed in the report that the Security Council was the main fulcrum and it is only when the Security Council fails to act could the General Assembly take the decision under "Uniting for Peace Formula" or by regional organizations under Chapter VII of the UN Charter (Carter and Malone 2016). Finally, the ICISS also opined that the P5 members should not use their veto power in blocking the usage of military intervention for human protection specially in situations when there are majority support (Carter and Malone 2016).

The concept of R2P was then endorsed in the 2004 report of the UN Panel titled "A More Secure World: Our Shared Responsibility," and in the 2005 report of the former UN Secretary-General, "In Larger Freedom" (Badescu 2011:3). In 2005, the most significant normative

progress occurred when R2P was formally adopted in the UN General Assembly at the World Summit. The Heads of the State and government particularly supported R2P in paragraphs 138 and 139 of the World Summit Outcome Document (Badescu 2011). According to Kingsbury(2012) the most fundamental difference between R2P and humanitarian intervention has been that humanitarian intervention can could be "applied to situations beyond mass atrocities and it can be implemented unilaterally". On the other hand, R2P is "applied strictly multilaterally through the consensus within and under the auspices of the UN Security Council in cases of actual or imminent mass atrocities" (Kingsbury 2012:8).

He futher argues that R2P developed as a norm in light of the 2005 World Summit agreement followed by UN Secretary General High-Level Panel and the subsequent agreement (Kingsbury 2012:10). The 2005 World Summit "narrowed" the scope to four crimes- genocide, ethnic cleansing, crimes against humanity and war crimes (Thakur 2019). After the unanimous adoption of the norm of R2P, it has progressed along three parallel tracks in the UN system: First, in numerous security council resolutions and presidential statements such as Resolution 1674 (28 April 2006). Second, in successive reports of the Secretary General and lastly, annual debates in the General Assembly (Thakur 2019).

The norm of R2P was based on three pillars. These pillars were refined by the UN Secretary General inaugural report on R2P in 2009 under "Implementing Responsibility to Protect", which was drafted by his special advisor on the norm, Edward Luck (UNGA 2009). These three pillars of the R2P were: Pillar I: a state's responsibility not to commit such mass atrocity crimes or allow them to occur (protection responsibility of the State). Pillar II: the responsibility of other states to assist those lacking the capacity to so protect (international assistance and capacity building) and Pillar III: responsibility of the international community to respond with 'timely and decisive action' – including ultimately with coercive military force, but only if authorised by the UN Security Council – if a state is 'manifestly failing' to meet its protection responsibilities (timely and decisive response) (UNGA 2009).

The R2P's central normative agenda has been to consider 'sovereignty as responsibility' and 'international responsibility' in crisis situations. The R2P prescribes that the state sovereignty entails responsibility and each state therefore has the duty to protect its citizens from mass killings and other gross human rights violation (Badescu 2011:4). In case the state cannot or is unwilling to carry out the function, then it rescinds their sovereignty and international community steps and the responsibility comes under its supervision to protect the civilians

(Badescu 2011:4). Hence, the R2P framework tried to strike a moral balance between sovereignty and human rights thereby trying to consider 'sovereignty as responsibility'. Moreover, the responsibility to protect norm answers a critical question of responsibility towards whom by shifting the lens from humanitarian intervention (your own soldiers and citizens) to R2P (victims of the international community) (Thakur 2019: 37).

But this new international normative framework met challenges in its application as a 'norm'. As correctly pointed out by Badescu (2011), "R2P's trajectory is part of the broader normative evolution towards reshaping sovereignty and collective concerns". Although the norm brought about dynamic changes in the way the concept of the sovereignty was approached, questions arose when it comes to diffusion of the norm in practice by the various norm entrepreneurs i.e., the state actors. There was a growing fear, particularly amongst the Global South countries regarding the misuse of the R2P norm, specifically its Pillar III. According to Thakur (2019) the controversy regarding R2P has continued on two issues that hampers protection: first is the self-interested abuses by powerful countries of the norm of non-intervention and second has been gross abuses by powerful national leaders of the human rights norm. For example, this was clearly visible grounds of debate for the case of the Iraq war in 2003 and subsequently during the Syria civil war and the Libya crisis in 2011. The George W. Bush administration did not cite R2P as a justification for the 2003 Iraq invasion. Rather, Bush's foreign secretary harped on the concerns regarding Iraqi weapons of mass destruction and links to terrorism as the primary cause behind the intervention (Anderson 2018). But nevertheless, the Iraq war set the precedent for large scale military action which are partly based on humanitarian considerations (Anderson 2018). The United States justified the intervention on various grounds out of which only a minor one was "humanitarian" (Human Rights Watch 2004). Moreover, the action was not approved by the Security Council and therefore the intervention did not maximize compliance with the international law (Human Rights Watch 2004). In the context of Iraq war of 2003, Kingsbury (2012) mentions that "the Iraq invasion and the inaccuracy of its rationale seriously damaged the idea that countries could intervene in the affairs of others for necessary altruistic reasons".

However, scholars such as Moses, Bahador and Wright (2011) argues that the humanitarian justifications which revolved around the notion about human suffering in Iraq and the need for liberation of the people, had implications for the 'responsibility to protect movement' which gained momentum in the ICISS in December 2001. But, as Kingsbury (2012) points out that although Iraq has met the criteria of R2P under the leadership of Saddam Hussein, but that was

not the rationale that was used for the invasion in 2003. Rather it could be labelled under the Bush doctrine that provides the basis of legitimacy for unilateral pre-emptive war (Kingbury 2012: 117). Therefore, the Iraq crisis definitely raised significant questions about the 'intent' of Western powers behind the "interventions". Additionally, the concept of R2P has raised debate both at the policy and at the academic circles. Thakur (2015) argues that this has been mostly associated with the "status" of the norm of R2P. The various debates regarding the implemation of the norm and also about the position of the norm at the international level will be further discussed in the subsequent two sections.

- **Debates Regarding Emerging Norm of R2P**

Despite making monumental changes and building space for itself in international community by replacing the norm of 'humanitarian intervention', R2P has given rise to considerable discussions and dissent. Academicians and the policy makers have continued to show reservation towards the R2P norm. The first problem has been related to the categorization of R2P as an international norm that defines its eminence and scope. Scholars like Thakur (2015), has put forward the argument that the main dilemma regarding the norm of R2P has been whether it has legal force, should it be described as a principle or has it acquired the position of global norm. However, regardless of the fact that whether R2P has reached the level of a full fledged norm or not, there definitely has been a normative shift that has taken place from non-intervention that shielded sovereignty till the 1990s, to responsibility to protect that seeks to qualify the norm of non-intervention, to a considerable degree, under tight procedural safeguards and in specific circumstances (Evans 2008; Thakur 2015: 191).

On the other hand, regarding the position of R2P as a norm, Labonte (2016) has argued that it is quite a settled matter that R2P is indeed a norm in international politics which creates permissive conditions for actions and outcomes. However, the question that has kept the international community divided has been that what type of norm R2P is as well as the specific ideas and practices that forms the essence of the norm (Labonte 2016: 134). For example there has been no consensus whether R2P is a single norm or a collection of different norms and therefore, while some considers it to be singular, others affirm the normative pluralism of R2P classifying it as a 'new international norm' (Labonte 2016: 134).

Moreover, Welsh (2019) in support of this view, argues that R2P arose more out of political considerations rather than legal one and the 2005 Summit does not establishes any new legal obligations for the states but rather re-emphasizes in an authoritative manner the already

existing obligations of protection. It was definitely correct that the although R2P's Pillar III allows for a coercive response, the use of force is considered as a last resort and the default first response is for a peaceful means of persuasion (Thakur 2019). Hence, R2P ambit is much wider in scope. Yet, R2P becomes a "complex norm" which contains more than one prescription through its three pillars that often leads to the conflict about which pillar needs to be underscored under a given situation despite the Secretary General's claim of equality of all the pillars (Welsh 2019: 56).

Hence, it was evident that although there was a shift in the paradigm in the norm of humanitarian intervention with the dawn of the R2P doctrine, its acceptance as a significant norm in international relations remained contested. As a result of the debates surrounding the categorization of the R2P i.e the discrepancies around the interpretation of its content (Welsh 2013), the second challenge which follows when it comes to R2P has been the functionality of the norm in practice. It brings about the problems faced by the legitimacy of the usage of the norm of R2P i.e. what are the types of situation which demands the enforcement of the norm of R2P, which has been controversial. The applicatory contestation arises as to which of the component amongst the three pillars of the R2P needs to be put into practice (Welsh 2019). Hence, there exists a certain amount of contradiction in the international community to experiment the "use of force" clause as a remedial measure when the national government fails to protect its own citizen. Badescu (2011) argues that most problematic part has been the paragraph 139 of the R2P doctrine, which talks about taking collective action on a "case by case manner" as this reflects the unwillingness of the Council's "firm duty to act". Moreover, this not only weakens the legality of the responsibility to protect framework but also makes it open for political interpretation of what are the conditions that needs to be fulfilled for the international community to act (Badescu 2011).

As a result of the divisiveness amongst the international community, it leads to the predicament that the R2P norm can be used a tool by the more powerful states to only use against the weaker or vulnerable states and therefore "may cause more harm than it resolves"(Kingsbury 2012). Also, R2P was opposed as the norm mostly relied on a "self-interested" UN Council and "imposes neo-imperialist agendas" (Kingsbury 2012:114).

In the last stages of the 2009 Sri Lankan conflict, the lack of protection for the civilians trapped in the conflict zone contrasted with the principles of R2P as the UN and the member states made little efforts to engage in the crisis through the R2P framework (Nackers 2016). The R2P

was comparatively a new concept and it was only towards the end of the conflict that there was some reference to the R2P norm, but it was considered to be too counter productive to invoke (Nackers 2016). While many key states supported Sri Lankan government's position, others who were in favour of R2P either acted cautiously or were sidelined by Sri Lankan government (Nacker 2016: 879). Sri Lankan government under Rajapaksha too vehemently opposed the R2P and endorsed the notion of absolute state sovereignty and also claimed it to be imperialistc in approach (Kingsbury 2012:120). From Obama administration to the European powers, the crisis was "framed as a war on terror" and the international community's lack of information on what was happening on the ground led to the perception that the crisis was an "internal issue" (Nacker 2016: 885).

The most crucial example of the use of the R2P norm has been the Libya crisis in 2011 where Resolution 1973 was adopted by NATO-led coalition for intervention. As a result of the erupting civil war in Libya, the UN urged the international community to assist. Initially the UN Council launched Resolution 1970 to fulfil Pillar I responsibilities to the Gaddafi regime failing which, Pillar III would become operable (Bloomfield 2016:111). The NATO launched Operation Unified Protector, that established a no fly zone and also launched aerial attacks on the government forces in order to protect civilian populations from the threat of attacks (Kuperman 2013). While the Libyan intervention was considered to be the appropriate model for the implementation of the R2P norm, such citations has remained disputed. Some proponents such as Evans (2011) have argued that the international community has won the challenge against genocide by preventing the massacres in Benghazi, replacing Gadaffi's regime. Since 2005, moving from "rhetoric" to "practice" had difficulties but step by step, R2P had gain traction and it is in 2011 Libya crisis that we see its effective "coming of age": institutionally, conceptually and on ground (Evans 2011). Similarly, Pattinson (2011) argued that the Gadaffi's activities met the criteria for the implementation of R2P, and hence the NATO's intervention was justified.

However, the use for force that led to a change of regime in Libya also raise the fundamental dilemma related to the norm of protection, bringing the discussions related to R2P at the forefront since its inception, particularly regarding its Pillar III which has been the most controversial part of the norm. The Libya conflict raised similar questions that was already asked in the Kosovo war, to what extent the use of force should be used to protect the civilians from mass atrocities (Brockmeier;Stuenkel and Tourino 2016). The difficulty in reaching a consensus was evident- on one hand there was the interventionist coalition which was led by

US, France and the UK and on the other hand, Brazil, India and South Africa favoured a limited military action along with a diplomatic bargain to negotiate between the parties (Brockmeier, Stuenkel and Tourinho 2016). The Libya crisis, though a classic example of the use of R2P, was also one of the controversial cases as the debates revolved around the abuse of the norm of R2P by the NATO powers. Thakur (2011) mentions that the Libya case highlighted how to prevent the abuse of UN authority to use military forces for purpose other than that of humanitarian protection. Another argument that was posited by Dunne and Gifkins (2011) was that UNSC 1973 was an expansive mandate that marked a striking absence to the R2P reference. Such broad mandate for military action were open to contestation as sometimes it could be a way for the intervening states to achieve non-R2P objectives (Fiott 2015). Although the UNSC resolution 1973 called for "all necessary means" to halt the crisis in Libya, the subsequent "no fly zone" and removal of office and death of Gaddafi was viewed as "exceeding the spirit of resolution" (Fiott 2015). This definitely raised the argument that the actions taken by NATO, particularly the bombing raids, were considered to be a pretext for regime change.

Hence, two things that could be established from the Libya case: first there was an increase international engagement with the emerging norm of R2P and second, this led to building of a new coalition of those countries who opposed the excessive stretching of the mandate and those who questioned regime change (Brockmeier, Stuenkel and Tourinho 2016). This new coalition raised fundamental questions about accountability and the criterias to be met for an effective humanitarian intervention (Brockmeier, Stuenkel and Tourinho 2016). Therefore, the Libyan case revealed the politicization of the R2P norm by the member states and how the implementation of the third pillar of R2P faced a major backlash. The reservations regarding putting R2P pillars into practice, specifically its Pillar III was further exposed during the Syria crisis. According to Adams (2016), if for the critics, Libya was seen as a case of R2P overreach, Syria was seen as an example of UNSC dysfunction and deadlock. The Libyan episode made a deep impact on the response of international community towards the Syrian crisis. The side-effects of the over use of the mandate in Libya could be felt by the Syrians where the international community failed to build up consensus regarding the application of the R2P norm (Thakur 2013). The Syrian government directly violated various UNSC resolutions and Russians systematically protected Syria from "international accountability measures" (Global Centre for Responsibility to Protect 2021). Since 2013, UNSC has passed 27 resolutions on peace talks, humanitarian access, and chemical weapons in Syria but none of the resolutions for upholding the responsibility to protect by the government has been implemented as Russia

and China continued to veto the draft resolutions (Global Centre for Responsibility to Protect 2021).

Hence, R2P continued to remain a deeply controversial topic in the UNSC topics and its implementation continued to be a challenge for the international community. Since 2009, the UN Secretary General has delivered yearly reports on R2P in the General Assembly and these reports, particularly from 2009-2015, mostly were concerned with implementation of R2P's objectives (Dahl-Eriksen 2021). By 2010, although there were some attempts to make R2P as an entrenched norm, state practices "did not yield clear evidence of regular compliance" (Bloomfield 2016). In 2017, Antonio Guterras wrote,

> "The consensus on the purposes of responsibility to protect spans every continent. There is no longer any question that the protection of populations from atrocity crimes is both a national and an international responsibility, which is universal and enduring" (Guterres 2017:3).

However, the reality on ground does not match when it comes to enforcement. Further, in 2021, with an overwhelming majority of states, the General Assembly adopted a historic resolution: the member states of UN have decided to include R2P on the annual agenda of the General Assembly and formally request the Secretary General to annually report on the topic (Global Centre for Responsibility to Protect 2021b). This step was undertaken to "strengthen the prevention" of genocide, war crime, ethnic cleansing and crimes against humanity (A/RES/75/277).

Hence, although the R2P has made some progress in terms of its engagement and discussions, its implementation was still not a settled matter. Speaking about norm's life cycle, Labonte (2016) mentions that although the R2P norm has shown signs of cascading, as UNSC has authorized numerous resolutions based on R2P, the ongoing debates makes it difficult to claim that R2P is an "internalized" norm.

- **R2P and the Emerging Powers**

Given the vicissitudes surrounding the execution of R2P norm, it is interesting to see how the emerging powers have situated the norm from a policy perspective. Evans (2011) argue that the fundamental "conceptual divide" with regard to the implementation of the norm of R2P has been between the advocates of Global North who support the banner of "humanitarian

intervention" or the "right to intervene" and those in the Global South[7] who support absolute state sovereignty. It could be seen that the general argument that revolve around the emerging powers is that they are reluctant about the norm of R2P (Kenkel and Destradi 2019). While reluctance is often considered to be a case of "free-riding', it is rather a more nuanced approach to specific issues and therefore highlights the key tensions that emerging powers face in terms of making a choice between conformity to major powers expectation on one hand, and commitment to established principles of sovereignty and non-intervention on the other (Kenkel and Destradi 2019). In the context of engaging the emerging powers, particularly the Asian countries it was seen that they remained highly critical about the R2P norm, particularly the threats posed by its Pillar III.

Their scepticism towards the norm of R2P has been clear through their positions during the Libya and the Syria crisis in 2011. The underlying tension with the R2P has not been the use of force in humanitarian crisis situation, but rather its misuse by the Western powers. As a result, Thakur (2013) argues that the debate over R2P should not become a North-South issue, but it might if there is a calculated negligence of their legitimate concerns which are often neglected by the West. NATO's decision to interpret the decision as authorizing military attacks against the regime in Tripoli rather than focusing exclusively on the protection of the civilians in Benghazi led to the accusations of mandate overreach from Russia, China and other parts of Global South about trying to pursue regime change under the disguise of R2P (Einsiedel and Malone 2018). The emerging powers therefore, have two dilemmas with respect to R2P: on one hand, they have a deep-seated mistrust towards the norm of R2P due to its overuse by the Western powers and on the other hand, they have re-asserted their R2P position as significant rising powers through alliances like IBSA and BRICS.

The IBSA (trilateral alliance of India, Brazil and South Africa) which was created in 2003, as these countries sought "greater participation in international decision making, their position on R2P has been extremely relevant" (Herz 2014). The IBSA coalition voiced their concern on the increased dependence on sanctions during the Libya crisis (Stefanopulos and Lopez 2014). In a joint commentary, the IBSA coalition opposed a military solution and therefore, were against the "no-fly zone" in Libya's airspace (Dixit 2011). The opposition culminated further in 2012 with the Russian-Chinese opposition to Security Council sanctions on Syrian

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[7] For bridging in the gap of terminologies used by various academic scholars and for a better analysis of all the debates surrounding the R2P and the emerging powers, "Global South", "Third World" and "Developing Countries", all these are used simultaneously.

leadership (Stefanopulos and Lopez 2014). Hence, these three countries have showed their common concerns about West's leadership with respect to the application of the R2P. In his interview with the Hindu, Brazilian Foreign Minister, Antonio de Aguiar Patriota explained that through their position, the IBSA countries wanted to project what the "non-Western" world was thinking (Dixit 2011). According to him, the measures like no-fly zone not only weakens the collective security system but also, provokes indirect consequences that hampers the objective that the non-Western people wanted to achieve (Dixit 2011).

Therefore, their apprehensions with respect to the misuse of power made them strong advocates and guardian of sovereignty. Further, the BRICS which is a strategic partnership of Brazil, Russia, India, China and South Africa, were considered to be the groupings of significant rising powers, seem to have the "bargaining chip" to influence the global diplomatic agenda (Mabera and Spies 2016). In the Libya resolution 1973, while initially Brazil, Russia, China, India, abstained from the voting, South Africa, initially supported the mandate. Mabera and Spies (2016) argues that the support was probably because the humanitarian crisis in Libya was on African soil. But the initial active support to the resolution soon changed as South Africa supported the other BRICS nations in the subsequent Syrian crisis because of "foreign–imposed regime change" (Mabera and Spies 2016). Hence, the BRICS countries are not only the passive norm-takers, but they manoeuvre the normative decision making when it comes to R2P. However, the preference, capabilities,and strategies projected by the BRICS countries confirm their decisive impact on normative discourses which can be seen in the R2P debate (Mabera and Spies 2016: 220). Brazil's standpoint regarding 'responsibility while protecting' and Chinese notion of 'responsibile protection' are examples of such standpoint (Mabera and Spies 2016:220). The rising powers have therefore, shaped the norm from various angles i.e. diverging from the Western countries and questioning when and where to apply the norm (Riberio 2020; Stuenkel 2014). Keeping in view the emerging powers as significant stakeholder in the global-local nexus, it becomes important to analyse how India localized the norm in its foreign policy.

4. India's approach towards the norm of Responsibility to Protect (R2P)

This section of the chapter put forward India's positioning of the norm of R2P in its foreign policy discourse. India's position with respect to the R2P norm has shifted over phases that determines to what extent India has localized the norm in its foreign policy decisions when it comes to resolving international crises. Jaganathan and Kurtz (2014) argues that there have been three phases that in which India's R2P policy has evolved. The first has been a phase of

deep scepticism. The second phase is characterized by a positive attitude and the third phase is a period of apprehension, while not discarding the norm completely. Hence, in order to explain the evolution of India's R2P policy, these sections can be divided broadly into two parts. These are not starightjacketed categories but gives an impression about the overall transition of the norm in India's context.

- **India and R2P – The World Summit of 2005 and the Initial Phase of R2P**

India's views towards the norm of R2P has been sceptical since the very beginning as it considered it as a facade for the West to pursue its own interest (Khandekar 2014). Since the inception of the concept of R2P as proposed by the ICISS in 2001, India had shown its acute mistrust towards the concept (Khandekar 2014). However, Bloomflied (2016) mentions that in the initial roundtables that were held in New Delhi prior to the ICISS report, India was "perhaps less hostile" towards the norm than expected in general towards humanitarian intervention. The discussions stated that there are "certain conditions that must be fulfilled" to carry out intervention which summarizes India's concerns and priotities towards the norm (ICISS Report 2001). In the ICISS roundtable, Indian officials at New Delhi argued that "if at all possible, intervention...[after] invitation" (Bloomfield 2016:87). But while in the informal round tables held at New Delhi, there has been a softening of India's previous reactions which demanded absolute consent for intervention from host state thereby creating possibilities for intervention through invitation, India's official position towards the norm was different at the UN sessions (Bloomfield 2016:87). But, India's uneasiness with the deliberations were revealed from the fact that in the roundtables to forge a consensus regarding resort to force on humanitarian grounds, the Ministry of External Officer sent a Foreign Service protocol officer to the deliberations (Ganguly 2016:5, Krause 2016). Further, the roundtable held at Delhi, mentioned that intervention continues to remain a controversial topic and hence, "intervention must be considered on a case-by-case basis (ICISS Report 2001).

At the 58th plenary meeting of the UNGA, India's spokesperson mentioned that the discussion on R2P is not a very fruitful venture for the UN. "Further discussion of this subject would, in our view, be infructous and would divert attention from issues which are of real concern to most Member States" (UNGA A/57/PV.58).

Moreover, India hardly discriminated R2P from its predecessor, humanitarian intervention. India, at the UNGA in 2002 said: "we will limit ourselves today to pointing out that this concept, variously known as "responsibility to protect" or "humanitarian intervention", has not

found acceptance among the vast majority of the membership of United Nations (UNGA A/57/PV.58). This not only suggests India's doubt towards the R2P as a "new" norm, but also makes it clear about India's position regarding "acceptability" towards the norm. As scholars such as Jaganathan and Kurtz (2014) and Bloomfield (2016) argued, India perceived R2P as humanitarian intervention by a new name and hence, it remained highly sceptical towards it. India opposed the initial efforts to obtain an official UN endorsement of the R2P at the 2005 World Summit but came on board after much persuasion (Ganguly 2016). India's wariness towards the norm of R2P was revealed from the official speeches of Ambassador Nirupam Sen, the Permanent Representative from India who argued that R2P should not be the new cloak for the practice of the norm of humanitarian intervention. According to one of his speech delivered in the UNGA meeting on 20th April 2005,

> "We have studied carefully the Secretary-General's views on the issue of "responsibility to protect". This is an issue of utmost importance and needs to be addressed with necessary caution and responsibility. We do not believe that discussions on the question should be used as a cover for conferring any legitimacy on the so-called 'right of humanitarian intervention' or making it the ideology of some kind of "military humanism". It is necessary to discuss this question and analyse all the ramifications of the idea of responsibility to protect, its limitations, its attendant obligations and the proposed mechanism for exercising it. As mentioned in the context of use of force, we believe that in case of genocide and gross human rights violations, no amount of sophistry can substitute for the lack of political will among the major powers."

This part of his speech clearly reflects India's political representative at the UN constantly battled with the fear that R2P was the same as humanitarian intervention, except in terms of terminology. Other than that, India during this period constantly held the viewed R2P as a cover for the "right to humanitarian intervention" or "military humanism" undertaken by the major powers, as was seen in the 1990s and early 2000s particularly during the Iraq war. In subsequent meeting of the Council on 12th July 2005, there has been a reiteration of these concerns again. India maintains the position that it was against any sort of "intrusive" interferences in the matters of individual countries in order to resolve human rights violations. In his speech, Sen (UNSC 2005) argued:

> "India has on several occasions expressed its reservation on intrusive monitoring and finger pointing while dealing with specific human rights situation in individual countries. This principle applies equally in cases of violation of humanitarian laws. We remain convinced in the essential validity of an approach that is based on dialogue, consultation and cooperation leading to genuine improvements in the situation where violations of human rights law and humanitarian law are addressed without any external interference."

Sen (2005) further highlights the discrepancies in the Chapter VII authorization of force by the UN. He mentions that "the Council has the authority under Chapter VII provisions to intervene where it deems necessary. Yet there continue to be doubts about the political objectivity of decisions that empower States to act against others in the light of humanitarian crises" (Sen 2005).

Ganguly (2015) writes that Sen had ideological reservations to the emerging principle and hence, in the absence of sufficient guidance from New Delhi, he voiced his own personal opposition at the UN platform. Jaganathan and Kurtz (2014) through their personal interview with Sen, argue that he did not have a briefing from New Delhi about the R2P policy and tried to modify the terms and conditions of the norm as much as possible before its coming into existence in the 2001 according to his own perspective regarding R2P. Sen tried to bring down the final negotiation of R2P and brought about some fundamental changes in the notion and concept of the norm – "his propositions were far more critical than the Indian government's already critical stance at that time" (Krause 2016:20). Jaganathan and Kurtz (2014) argues that there were two factors that explains an "anti-American leftist view" of Sen shaping India's agenda on R2P so strongly: first, Sen's language resembled many of the countries involved in the non-aligned movement, in which India has always projected itself to be a potential leader and second, Sen could feel comfortable in voicing out his socialist views because of the coalition dynamics as he knew that in the first United Progressive Alliance (UPA- I), the Left Front has supported the Congress-dominated coalition from 2004 to 2008. As the "coalition government depended on the outside support from the Left Front, Sen could confidently air his leftist views" (Jaganathan and Kurtz 2014).

But there was a difference in opinion that was reflected between Sen and his senior, Foreign Secretary Shyam Saran. In Saran's view, Sen repeatedly and unnecessarily antagonised the Western states with his constant agitation against the R2P, damaging India's wider diplomatic aspirations and contrarily, as a matter of fact, India has always supported R2P throughout (Jaganathan and Kurtz 2014: 470; Bloomfield 2016).

Sen (2008) in his remarks at the UNGA maintained that without proper reform of the UNSC, it would be very difficult to implement a humanitarian principle. In the context of the Millenium Develoment Goals of 2008, he states,

"The report mentions the problems of peace and security and the Responsibility to Protect but fails to mention that without a comprehensive reform of the UN Security Council, problems of

peace and security cannot be effectively addressed and the political basis of the Council is too narrow to have the necessary impartiality needed for implementing a humanitarian principle."

It must also be taken into account that India throughout this period was a strong supporter of the reform of the UN Security Council. India's MEA Report for the year 2000-1, on the Millennium Summit which was held in New York, 2000, mentions, that from India's point of view, "it recognises a comprehensive reform of the Security Council" and also, India's drive for a permanent seat in the UN Security Council and seeking the support of P-5 members for India's candidature (MEA Report 2000-1). Krause (2016) argues that for Sen a reformed and expanded Security Council should consent to the application of R2P in order to establish a legitimate basis. Hence, he linked approval of R2P with the reform of the UNSC (Krause 2016: 20).

For, India, Bloomfield (2016) mentions that Sen had a more anti-imperialist mindset and for MEA, R2P was not terribly important for India's foreign policy making and a low priority issue for New Delhi (as compared to its competition for a permanent candidature). However, while Sen's speeches and scholars like Jaganathan and Kurtz (2014) and Bloomfield (2016) focus on the divide between India's representative and the MEA, Virk (2014) slightly differs and adds that India has been aggressively campaigning for a permanent seat at the Security Council and this reflects the country's symbolic objective to confirm the country's rising power on the world stage. India's traditional position of being a liberal democracy has naturally helped it to articulate its credential as a candidate and therefore, there has been an unwillingness on India's behalf to move beyond "passive assistance to democracy promotion and to sanction authoritarian regimes" (Virk 2014:134). As result, of this passiveness, the R2P promotion has taken a back seat and India has relegated itself to the old school traditional feature of sovereignty and non-intervention.

During this period, the final stages of the Sri Lankan civil war saw the escalation of violence between the Sri Lankan government and the LTTE during 2008-2009. India expressed its deep concern over the humanitarian situation in Sri Lanka (Mukherjee 2009). External Affairs Minister Shri Pranab Mukherjee in the Lok Sabha stated clearly that "there is no military solution to the conflict" and "the way forward lies in a peacefully negotiated political settlement within the framework of a united Sri Lanka which is acceptable to all the communities, including the Tamils" (Mukherjee 2008). Jaganathan and Kurtz (2014) argues

the MEA not only expressed its "unhappiness at the continued killin of innocent Tami civilians in Sri Lanka but also reminded the Sri Lankan government that "it has a responsibility to protect its own citizens." But this statement was the result of domestic political pressure for the UPA I from its parliamentary ally DMK which resulted in pressing the Sri Lankan government for three 48-hour unilateral ceasefire (Jaganathan and Kurtz 2014). Hence, India tried to balance its domestic pressure and strategc interest when it came to the Sri Lankan crisis in 2009.

- **India and R2P- From 2009 Onwards**

Among the three Pillars of the R2P norm, India had shown its most adverse reaction with respect to the Pillar III which speaks of use of force by the international community when the government fails to protect the own citizens or is responsible for committing crimes against the civilians. Since 2009, India has started to show some positive attitude towards the norm of R2P- according to Jaganathan and Kurtz (2014), it was the phase of "positive attitude with cautious commitment". New Delhi's reminder to the Sri Lankan government that it has "responsibility to protect" its citizen is consistent with Pillar I of the R2P (Bloomfield 2016: 89) while on the other hand, India providing assistance to rebuild Sri Lanka's human rights institutions and infrastructure is a reflection of using the Pillar II of R2P (Bloomfield 2016: 89). However, Hall (2013) mentions that despite India's apparent incantation towards the norm of R2P in the Sri Lankan crisis, India's Minister of External Affairs failed to stir much public and private debate surrounding the R2P norm within India. Similarly, Choedon (2017) mentions that India's rhetoric did not match actions as the country did not endorse the R2P norm in the Sri Lankan crisis.

In 2009, after Sen, Hardeep Singh Puri became the new permanent representative of India to the UN. As Puri took his position, India's position towards the R2P took a shift, which according to Bloomfield (2016) was not radical but discernible. According to Jaganathan and Kurtz (2014), this marked India's second phase with the norm of R2P and Puri ascertained that 'India was taking a new tack on R2P'. Puri (2009), acknowledged the report "Implementation of the R2P norm" by the Secretary General and was of the opinion that India's consistent view has been that it is the foremost responsibility of every state to protect its population, yet at the same time reiterated the concern towards the R2P norm (A/63/PV.99). Puri's (2009) statement made it clear that India was comfortable with invoking Pillar I and Pillar II and considered them to be essential to prevent mass atrocities, but was not very comfortable when it comes to implementing Chapter VII,

"Capacity-building and early warning are indeed critical to ensure that these four mass atrocities do not recur. The report of the Secretary-General has very well identified several proposals under pillars one and two in this regard. These should be worked on intensively by the international community".

When it came to implementing the Pillar III, Puri (2009) argued for vigilance regarding the usage of force in order to prevent mass atrocities (A/63/PV.99). He opined that, since we do not live in an ideal world, there is a need to be cognizant about the fact that the creation of new norms should at the same time completely safeguard against the misuse of those norms and hence, in the context of R2P, it should not be used as a "pretext" for humanitarian intervention or use of unilateral force (A/63/PV.99). Puri(2009) also warns that if such a thing happens, it would defeat the purpose of R2P itself (A/63/PV.99).

Puri (2010) was of the view that most of the failures have happened such as it is seen in Rwanda because as the independent enquiry has noted "there was not sufficient focus for institutional resources or early warning or risk analysis" (UNGA 2010). Questioning UN's failure to react in a timely manner in Srebenica and Rwanda, Puri (2010) proposed developing an "early warning system" based on just few individuals and through civil society and member states to "prevent the atrocities" rather than focusing on the Chapter VII measures to protect civilians (UNGA 2010). For Puri (2009), the willingness to take chapter VII should only be on a case-by-case basis and cooperation with relevant regional organization with specific provisions that such actions should only be taken when other measures are inadequate and national authority fails to discharge their duty (A/63/PV.99).

In his book, *Perilous Intervention*, Puri (2016), clearly argues that for the decisions that involve the use of force, the primary responsibility lies with the decision makers of the national capital and their representative in the Council. The use of force without Council's authorization is what he calls as "perilous intervention" which is all about reflexive decision making, where there is an urge to intervene on the basis of "all means necessary" and often used as a medium for regime change, even when that is not explicitly stated objective. Puri (2016), uses the examples of 2003 Iraq war and the mishandling of the crisis in Libya and Syria in 2011. Choedon (2017) argues that NATO's response to the Libyan crisis made India revert back to its original position of scepticism. India in the Libya crisis did not question the R2P per se, but the "appropriateness of the coercive tools to implement it".

The Lok Sabha debates that were held on 23rd February, 4th March and 15th March in 2011, highlights India's dilemma regarding the imposition of force by the NATO powers. For example, in the 15th March discussions in Lok Sabha, the members were of the opinion that it was not a very wise decision to interfere in the matters of another country (Lok Sabha Debates 2011). The decision by the NATO powers such as America, Britain and some European powers to interfere in the Libyan matter, India feared would result in more casualties than resolving the crisis (Lok Sabha Debates 2011). But India's policy stance on the Libya crisis was far from being a simple case. India's diplomatic position with regard to the Libyan crisis actually shifted and it did not for once cast a negative vote, despite its vocal condemnation of the regime change in Libya (Virk 2014). According to Bloomfield (2015), India "flirted" with the norm of R2P and subsequently changed its position from time to time during the period of the crisis. Bloomfield (2015; 2016), points to the various "identity discourses" in the public sphere that shaped India's R2P policy responses. Referring to the various commentators, such as Meghnad Desai (Indian expatriate) and Atul Aneja, Bloomfield (2016) argued that initially, as soon as the crisis broke out in February 2011, most of them spoke of the Libya crisis only in terms of India's direct interest – from evacuation effort to spike in oil prices and the fall of India's stock market. But as soon as more forceful interventionist methods were introduced in the international level at the UN, Indian commentators began to contemplate that too (Bloomfield 2016). On 6th March, the Communist Party of India (CPI) in an opinion piece in *The Hindu*, argued,

> "If the Indian government supports foreign intervention in Libya it will be a tragedy and an abetment to imperialist designs. It will be another shift from the non-alignment foreign policy. The CPI demands that the Government of India keep away from the U.S. sponsored military actions and condemn such misadventures, which will be only counterproductive," (CPI Secretariat, The Hindu 2011).

Hence, the CPI used the language of anti-Western and anti- imperial identity logic to explain what should be India's response (Bloomfield 2015: 36, Bloomfield 2016:117).

Balakrishnan (2011) however, in his article in the *Indian Express,* called for an "international intervention force" to enforce law and order under impartial supervision. Bloomfield (2016) argues that Balakrisnan's arguments were in line with the R2P norm using the liberal-democratic logic (bridging the gap between Pillar II and Pillar III).

While at the domestic level, the various Indian commentators were debating what should be India's ideal policy response, at the UN, India too raised its concern related to its direct interest-

evacuating its own Indian nationals (Puri 2011). India also brought up its concern regarding the use of force (Puri 2011: 2). The Council adopted the Resolution 1970 on 26th February 2011 under Chapter VII calling the Libyan authorities to immediately end the violence and simultaneously also referred the situation to the International Criminal Court (ICC). India was concerned about the effect of an immediate ICC referral (Puri 2016). India preferred a "calibrated and gradual approach towards the crisis" (Choedon 2017:12). However, while in his book, Puri raised concern regarding the ICC referral, at the UNSC, India voted in favour of the resolution because the ICC referral would restore calm and stability (Puri 2011). As the Security council passed the resolution 1973 due to lack of effective response from the Libyan government sanctioning the no-fly zone and the "all necessary means" criteria, India chose to abstain along with China, Russia, Brazil and Germany.

Despite abstaining from the Resolution 1973, India remained critical of the use of the Pillar III in Libya crisis (Khandekar 2015:117). India soon began to criticize the NATO powers as the scope of the mandate was a concern since it was unclear the manner in which it would be implemented (Khandekar 2015: 120). Indian representative Puri pressed the need for political efforts such as for example sending Speical Envoy in UNSC and effort of African Union in sending high-level panel to Libya for peaceful settlement of crisis (Choedon 2017:13).

Hence, as per Khandekar (2015), India's criticism of NATO was based on three lines: first, western powers exceeding scope of the mandate; second India believed that civilian protection was used as pretext for regime change; and third, NATO's aggressive response did more harm than good. Therefore, although India initially abstained from the resolution, and India did not cast a negative vote allowing it to pass through, NATO's reaction made India retreat to the sovereignty norm (Bloomfield2015).

Unlike the promptness of the R2P in the Libya crisis, in Syria, UNSC has been unable to reach consensus to mitigate the violence. In between 2011 when the civil war started to 2016, the Security Council tried to address the conflict on several occasions- but the "stage was set" for four double vetos by China and Russia on 4th October 2011, 4th February 2012, 19th July 2012 and 22nd May 2014 (Puri 2016:105). Khandekar (2015) argues that India's position on Syria developed through two phases- first has been total opposition to the Western response to the crisis (April-November 2011) and in the second phase, India shifted its position and became more flexible to the proposed civilian protection measures (December 2011 onwards).

In October 2011, a resolution condemning the actions of Assad regime in Syria failed to be passed in the Security Council where Russia and China exercised their vetor power and India along with its IBSA partners Brazil and South Africa along with Lebanon abstined from the crisis by referring to the Libya's case and to prevent any further Western intervention (Krause 2016:30). India's concern revolved around the fact that the text of the resolution did not mention anything about the violence committed by the opposition group, considering it as a ploy by the West to initiate another regime change (Khandekar 2015:122). India in the initial phase of the crisis wanted the role of international community to be the facilitator of the crisis through peaceful resolution (Virk 2014:143). This was clear from Puri's statements where he argues, "the international community should facilitate dialogue and not threaten sanctions or regime change" (Puri 2011). However, as the crisis deepened, India along with its IBSA partners took a less obstructionist stance. In 2012, India voted in favour of a draft resolution in Syria showing its support for the Arab League's efforts for a peaceful resolution to the crisis (Virk 2014:143). India also voted for a similar resolution in same month. On June 2012, India supported a resolution calling on Assad's regime to maintain the primary responsibility to protect (Virk 2014: 143). On August 2012, India abstained from the resolution that asked for Assad regime to step down and other countries to cut off diplomatic ties with his government (Virk 2014: 143). Hence, the Syria crisis showed that India's pre-2010 sceptical position towards R2P has still not changed (Bloomfield 2016:183). By 2012-2013, as Puri stopped attending the Security Council meetings, neither the MEA nor the Prime Minister discussed Syria (Bloomfield 2016:184). New Delhi returned back to its original posture that "unilateral action will not resolve the crisis. It will only exacerbate the problem" (A/67.PV.80).

In the Cote d' Ivoire case, where there was rampant killings and human rights abuses, in the light of the looming crisis, the UNSC adopted Resolution 1975 which cited the primary responsibility of each State to protect civilians and reaffirmed that UN operation in the region could use "all necessary means to protect life and property" (Choedon 2017:16). India voted in favour of the resolution. Puri (2011) mentioned that India was "seriously concerned about the human rights violation "and supported AU's and ECOWAS's attempts to resolve the crisis peacefully and through dialogue, thereby voting in favour of the resolution (S/PV.6508). India wanted a political solution to the crisis and the restoration of democracy of the Ivorian people (S/PV.6508). India however, at the same time ensured that peacekeepers cannot be made agents of regime change (S/PV.6508) and this showed India's posture not in favour of outside intervention but rather a peaceful regional response to the crisis (Choedon 2017:16).

5. India's Norm Localization in the context of Responsibility to Protect Norm

Therefore, this section discuss the question as to how did India localize the norm of R2P in its foreign policy discourse? Tracing the evolution of the norm throughout the early decades till the norm of R2P came in to existence, it can be said that India never outrightly rejected the norm of humanitarian intervention since the very beginning as most of the conventional literature in the discipline has suggested. As mentioned previously, our study focussed how India valued sovereignty but at the same time, it did not consider it to be an absolute and voiced its opinion in cases of human rights violation, particularly at UN platform. Thereby, while it cannot be said that India was opposed to norm of humanitarian intervention, India's localization of the norm in its foreign policy was dynamic. It showcases the complexities of norm localization process and how it was a two-way channel between the global and local influencing each other viz-a-viz the agency of the domestic political actors of India.

However, in the post-cold war environment, India's position with respect to the norm of humanitarian intervention took a back seat. A number of experts on India's foreign policy have proposed reasons for India's transition. Mukerjee (2012) points to the changing nature of domestic authority and legitimacy as the primary factor for India's apprehension towards the norm of humanitarian intervention in the 1990s period. During this phase, India had to deal with a lot of internal challenges-insurgencies in Kashmir, North- eastern states or militant leftism such as the Naxalite movement (Mukherjee 2012). Hence, there was a fear in the mindset of Indian policy makers that the spotlight may turn to India and this prevented them to take a positive attitude towards the norm of humanitarian intervention (Mukherjee 2012). This argument was also put forward by Virk (2014) who argues that the situation in Kashmir has been the most significant reason about India's concern about external interferences. Apart from that communalism (for example, the deadly riots in Gujarat in 2002) and Naxalite insurgencies have been the probable reason for India's phobia for external intervention that might have a spill over effect in the region and also poses threat to India's regional "pre-eminence" (Virk 2014). However, on a larger front, both internal and external parameters challenged the internalization of the norm of humanitarian intervention in the 1990s. Acute economic crisis and unstable domestic coalition politics challenged India (Choedon 2017). Hence, the domestic issues along with global challenge of losing Soviet Union as an ally made India to adopt "cautious, reactive, sporadic and episodic posture in India foreign policy" (Murthy 2010). Hence, these challenges in the changing environment made it difficult for India to diffuse the norm of humanitarian intervention effectively in its foreign policy discourse. As Hall (2017)

argues, India's aims and methods in the 1990s underwent significant changes but India did not advance a new normative agenda. Rather India became a more 'reluctant power' than a normative power (Hall 2017). India hesitated or resisted the new aspects of the international liberl order such as protection and promotion of human rights by the US and other Western states, democratization of authoritarian states and new economic agenda. India's repressive response to internal security challenges, especially in Kashmir and opposition to the Western effort to promote democracy gives the impression that India has become a conservative rather than a progressive force (Hall 2017). Therefore, India focused more on "development" and gaining position in multilateral arrangements rather than focusing on norms to resolve international crises. In other words, norms like humanitarian intervention were not on India's priority list.

Edward Faleiro (1991), a former foreign junior foreign minister, has argued that "Development is the most important challenges facing human race. Development concerns must address themselves to remove economic disparities..." He further points to the significance of regional organization for cooperation in the post-cold war world order and mentions that interdependence is the new dynamics of the global economic order (Faleiro 1991).

Moreover, another factor that influenced India's dynamics of the norm of humanitarian intervention in the 1990s and the subsequent R2P norm is India's notion of sovereignty. As mentioned in our previous chapters (chapter 3), Mukherjee and Malone (2013) analyses the discrepancies in India's notion of sovereignty by situating it in the context of the rising power dynamics. According to them, as India's power increased in the international system, it became a strong supporter of the notion of sovereignty whereas earlier India defied the theoretical expectation and supported sovereignty that privileged intervention for the sake of human rights protection (Mukherjee and Malone 2013: 165). For example, Puri (2009) argued "sovereignty as responsibility is the defining feature attribute of nation-States, where safeguards for protection of fundamental rights of citizens are constitutionally provided". India believed that sovereignty was the cardinal principle of the system and any forceful challenge to that was against the interest of the international-community. India's overall argument was that the state was the sole arbitrator of the domestic conflict and became a staunch opposition to unilateral intervention (Mukherjee and Malone 2013: 165). Further, related to this, although India trusted multilateralism, its enthusiasm with multilateral arrangements to resolve crises has not kept pace whose vivid example has been the humanitarian intervention (Mukherjee and Malone

2013). This has been more visible in the R2P context in Syria where India changed its position several times in the UNSC resolutions.

Although experts such as Rajagopalan (2012) mentions that in the Syrian conflict, India eventually supported the resolution for Syria because of its normal attitude towards human rights versus state rights, where human rights has been less important than preserving the boundaries of sovereignty, other scholars such as Virk (2014) argues, India's contest between whether to intervene or not intervene is not reducible to a stark dogmatic choice between sovereignty and human rights but also to achieve humanitarian objectives. Puri (2016) in his book has situated his arguments on a similar line. He mentions, "R2P doctrine was an opening for the reordering of society from outside using military force...developing countries in the multilateral system, have our views firmly anchored in the framework of Westphalian state sovereignty". However, he proceeds to argue that.

> "It would be , however, be a serious mistake to believe that colonial experience alone provides an explanation for the inherent suspicion of the doctrine. Their cynicism has been fuelled by the nature of political and economic negotiation in the post-colonial era. Shorn of their complex verbiage, these amounted to nothing more than the strong-those in dominant position-manipulating the system to their advantage at the expense of weak and the vulnerable"

Moreover, despite the deep-seated ambivalence, India actually was compelled to engage with the R2P norm, particularly after the 2005 World Summit (Virk 2014:134). India being a part of the multilateral framework of various regional groupings within the South, has pulled itself away from outright opposition to some form of accommodation occasionally (Virk 2014:134). Further, the reason that the principle is gaining prominence among the country's traditional allies in global South, as well as partners such as US, has generated peer pressure on India to not resist the trend (Virk 2014:134). Hence, being an emerging power in the region, India has faced the challenge of accommodating the norm for the sake of maintaining its regional ties.

Therefore, in the context of R2P it can be observed that India has never fully endorsed the R2P norm. However, it has occasionally adjusted with the norm owing to its emerging power status, but it has not completely discarded the suspicion it had towards the norm, particularly the way the Pillar III has been implemented. India shifts in norm of the humanitarian intervention and its R2P debate could be located therefore, in India's transition from "universalism to

individualism"[8] (Mukherjee and Malone 2011) where, India restricts the usage of the norm as per requirements on a case-by-case basis.

6. Conclusion

It could be seen that India's progression with the norm of humanitarian intervention has not been a linear progression. India's approach to humanitarian intervention in the post-cold war environment and the subsequent R2P in the turn of the century suggests the variety of diffusion that could be observed in India's specific context. India's localization of the norm was dependent on three parameters: (i) changing international environment, (ii) growing suspicion of the Western unilateral use of force (iii) its own position as a rising power. The localization of the norm in Indian foreign policy was also dependent on the type of government sitting in New Delhi. As the chapter shows, since 1989 onwards India was ruled by coalitions of parties and hence, India's decisions mostly revealed the fragility of such coalition governments. For example, as was seen in the case of Ambassador Nirupam Sen, during his tenure he relied on an "anti-imperialist and anti-western" framework while Ambassador Hardeep Singh Puri relied more on a "multilateral framework for the developing countries". Hence, their reliability on certain identity discourses have influenced India's congruence building with the norm of R2P. The chapter argued that India's approach towards the norm is not "ambiguous" as some of the scholars suggest (discussed in the introductory segment). The best possible explanation towards India's bonding with the R2P norm would be "cautious" and "vigiliant" depending on the specific case, India's stance regarding implementation of R2P with respect to a specific case has been utmost important for its multilateral allies in the region. Or else, the best possible method that India has followed with regards to R2P has been the practice of abstention. But, despite being cautious about the norm, India has successfully modulated and shaped the norm dynamics of R2P. As Riberio (2020) points out, the emerging powers (in this context India) have shown a restrained behaviour towards the norm of humanitarian intervention and R2P, because they recognise the impossibility of elimination of these norms. Rather, they exhibit a more complex behaviour of shaping them towards a more conservative direction (Riberio 2020). Hence, taking from this point, it can be safely argued that Indian 'local' political actors have embedded the norm in India's foreign policy in a more conservative posture.

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[8] Although Mukherjee and Malone (2011) use the term "universalism to individualism" in the context of India and WTO, but it justifies India's position with respect to the R2P norm

CHAPTER-6

Conclusion

As an emerging power of South Asia, India's approach towards the global norm of humanitarian intervention and its subsequent version of R2P has been incoherent. India's fluctuations with respect to the norm of humanitarian intervention suggests that a deeper analysis is required to understand the various nuances about India's changing dynamics towards the norm. Hence, the study engaged itself in analysing the trajectory of the development of the norm in India's foreign policy. Tracing the evolution of the norm in the Indian context will help to understand two factors: first, it enabled us to explain the transitions that the norm went through in the course of its growth in India's foreign policy. As a result of it, second, the study highlighted the significance of the norm in India's domestic context. Since the study focused on explaining the advancement of the norm in India's foreign policy and the extent of its diffusion in the domestic level, the theoretical lens of 'norm localization theory' was used. The norm localization theory as posited by Acharya (2004) discusses how local actors driven by their pre-existing beliefs and conditions adopt global norms in their domestic spaces. Therefore, the norm localization theory which prioritises the significance of the local in the global-local nexus and forms a crucial part of the norm diffusion literature, was an important aspect for our analysis. By situating itself in the norm localization theory of the norm diffusion literature the study attempts to expand the boundaries of the second wave of constructivist literature which exclusively discusses the domestic level diffusion of global norms. The study attempts to address the gaps in the literature regarding how the domestic level transition of norms occur. Although the second wave of constructivist scholars and particularly Acharya's localization theory speaks about the relevance of the domestic level diffusion, the literature needs to widen its explanations when it comes to discussing how the different countries respond to those norms in their normative environment. Also, the question arises that whether the countries simply adapt those norms by modifying them through congruence building mechanism in their domestic context or whether they contest or challenge those norms yet promote their diffusion process. Hence, the research highlights the whole array of issues associated with the localization process that is creation, diffusion, questioning and implementation of the norm. The study builds itself on the fact that the local is a prominent

stakeholder of the global-local interface and they are the substantial actors of the diffusion process.

Through the explanation of the changes in the norm of humanitarian intervention in India's context, the research not only tests the norm localization theory to address the inconsistencies in India's approach but also delves into the broader question of how the global-local interaction takes place. As a result, the study focuses how different localization patterns that can be observed in context-specific environment of a particular country like that of India as it analyses the domestic processes involved in the diffusion of the global norm.

The second chapter of this study primarily revolves around these various theoretical debates associated with the second wave of constructivist literature regarding the domestic diffusion of global norms. It elaborates upon the norm localization theory in details and how actors diffuse norms through congruence building mechanism. However, the chapter moves forward to explain that the recent body of norm scholars have deviated from the route of a simplistic diffusion mechanism pattern and believed that localization was a "catch-all" amorphous concept. Hence, there has been a growing need in the literature that profound local level analysis is required to explicate the transition of the global norm when it meets the local. Despite showcasing the significance of the local, the existing literature has focused on a more dichotomous relationship between global and local at the global-local interface. As a result, attempts are made to understand the interplay between the global and local parameters. The study situates itself in this emerging body of literature and through this lens tried to explore the evolution of the global norm of humanitarian intervention in India's foreign policy at the national level. Linking with the theoretical aspects of the localization process of the norm, the chapter situates India's position with regard to the norm of humanitarian intervention. India's fluctuation regarding humanitarian intervention and R2P makes it imperative for us to answer 'how' and 'why' India's standpoint towards the norm has transformed. It puts the foundation regarding the necessity to delve into a detailed exploration of India's domestic processes to understand the ways by which policy makers at India's domestic locale have manoeuvred and shaped the response towards the norm from time to time in India's foreign policy. Hence, by theoretically associating norm localization with the phenomenon of how the global norm of humanitarian intervention transitioned in India's local context in different time period helped us to formulate the trajectory of the growth of the norm. So, this chapter by associating the study with the theoretical framework tried to highlight two factors: firstly, the study through its examination of the different phases of the localization dynamics of the norm by Indian

policy makers can predict the normative journey of humanitarian intervention in India's foreign policy at the domestic level. Secondly, investigating the role of the policy makers and their approach towards the norm will not only reveal the internalization of the norm in India's foreign policy but studying the domestic level approach of India will answer the larger question of how local respond to global norms. Therefore, thirdly, the decision taken by Indian policy makers in the domestic domain would clarify the position and the importance of the local parameters in norm diffusion. Hence, it leads to further investigation of the convergences and divergences when the local interacts with the global at the global-local interface. Lastly, the analysis of the normative journey of humanitarian intervention, leads to an assessment of the variances in the diffusion that could be seen in India's context.

In order to investigate India's localization of the norm of global norm of humanitarian intervention and analyse the direction of the norm in India's foreign policy, the subsequent chapters unfold the development of the norm in different time periods in India. Therefore, to understand the course of the global norm of humanitarian intervention in India's case, the chapters heavily draw on the archival history of India. The evidence of archival history was used from various speeches and debates across spectrums to unravel how the domestic processes internalized the norm of humanitarian intervention in India. In turn, this not only validated the position of the local policy makers in the diffusion dynamics of global norm in the global-local nexus but also, addressed why the norm remained inconsistent. For historically tracing the normative evolution of humanitarian intervention, the third chapter in this research unfolds how the norm advanced in the 1950s and the 1960s which was the initial phase of India's nation building period under the leadership of Nehru, which coincided with the cold war years. The fourth chapter too discusses how Indian policy makers influenced the norm dynamics of humanitarian intervention by analysing two significant cases of India's intervention in its neighbourhood which was the intervention in East Pakistan in 1971 that led to the formation of Bangladesh under the direction of Prime Minister Indira Gandhi and the intervention in the Sri Lankan war of 1987 under the guidance of Prime Minister Rajiv Gandhi. After discussing how the norm transitioned in these phases during the cold war years, the study shifts its focus in the 1990s post-cold war environment and in 2000s when the new norm of R2P became the new debate in the humanitarian intervention discourse.

India's fluctuations with regards to global norm of humanitarian intervention which drives the study to explore how domestic policy makers of India at the local level responded to global norms, how they influence its diffusion and in that circumstances, how the norm has developed

and transitioned in India's foreign policy. For this, it became necessary to dissect how humanitarian intervention as a global norm has emerged in international relations. Hence, the debates associated with the norm of humanitarian intervention was also taken into consideration. Chapter two primarily discusses the dilemmas pertaining to the norm of humanitarian intervention at the international level. It argues how the norm faced contestation when it comes to the applicability of the norm in each stage of its progression. This conflict, the chapter highlights, was mainly related to the purpose of carrying out intervention on humanitarian grounds i.e. ethical and legitimate use of the norm by the international community and was due to intrusion into the sovereign territory of another nation-state. Further, this leads to the third dilemma of politics behind the implementation of the norm of humanitarian intervention which concerns about the fact that whether it is a propaganda tool for the powerful nations or there exist some shared expectations to execute the norm into practice. Following these arguments, the next chapters highlighted a brief history of the norm of humanitarian intervention before investigating how India's norm transitions took place in that particular time period. Consequently, despite the fact that the norm gained prominence primarily in the post-cold war period, the norm existed in a nascent phase in the earlier decades, particularly in the cold war period. It was seen that the norm had historical roots in the nineteenth century European humanitarianism. But, the nineteenth century traces of the norm of humanitarian intervention was not directly associated with the universal notion of human rights but could be associated with the wider notions of humanity. While humanitarianism and human rights were distinct, yet they had shared discourse of historical origin and therefore, boundaries of humanitarianism and human rights were often blurred. The growth of humanitarian intervention in international politics could be placed in the entangled histories of humanitarianism and human rights. While in the nineteenth century, humanitarian intervention was linked with European humanitarianism, in the twentieth century, the norm began to be associated with the debates of human rights thereby engaging the two fields together. In the cold war years, the norm of humanitarian intervention began to make a space for itself in the debates of human rights discourse but, their association did not mean that use of force was valid ground for interference in cases of human rights violations. The use of force was only permitted in times of self-defence and when there was a threat to international peace and security under the UN Charter. Hence, although humanitarian intervention became a discussed topic in the human rights, the scope of the norm during the cold war period remained limited. The norm of humanitarian intervention came to be gradually associated as a significant component of the human rights doctrine only in the 1990s post-cold war environment. But even

though humanitarian intervention became more permissive in the 1990s and its connection with the field of human rights took a new turn, its conflict with sovereignty continued to be the heart of the debate. The norm of humanitarian intervention therefore, progressed through different phases of history and faced contestation at each stage of its growth in international relations. As a result, in the 1990s, although the norm gained legitimacy under the collective authorization of the UN, the international community continued to remain apprehensive regarding its usage. The divisiveness became prominent and challenging to deal human rights crises in cases of Rwanda, Bosnia and Kosovo war during the 1990s. Questions were raised about the fact that the UN as an organization was paralyzed and was ineffective in saving the lives of the civilians in these massive human rights crises. As a result, towards the end of the 1990s and early 2000s, the humanitarian intervention debate paved the way for the new norm of the Responsibility to Protect or the R2P which mainly considered 'sovereignty as responsibility' and was driven by three of its pillars. The fifth chapter of the study highlights the substantial aspects of the R2P norm and its associated three pillars. It also elaborates upon the various arguments how R2P norm brought about vigorous change in the concept of sovereignty and collective action. The R2P was first articulated by the ICISS in its 2001 report and subsequently, endorsed by all the member states of the UN at the 2005 world summit to address the key concerns of genocide, war crime, ethnic cleansing and crimes against humanity. However, there were lot of speculations regarding the position of the emerging powers regarding the usage of the R2P norm. There has been an existing fear amongst these emerging countries regarding the misuse of the R2P norm particularly its third pillar, which speaks for the 'timely and decisive actions" including collective military actions. But despite the fear of the norm of R2P, the emerging countries at the same time have influenced the practice of the R2P and also, impacted upon its debates at the UN. The group of the emerging powers such as IBSA which was formed in 2003 and the BRICS founded in 2006 have impacted upon the usage of the norm thereby defining the boundaries of its relevance in the international community. Under this domain of assessment, the focus of the study has been to examine whether India being an important emerging power and as a noteworthy BRICS partner has diffused the R2P norm or remained its nemesis.

India's approach to the norm while resonated with some of the other emerging powers, yet its fluctuations suggested that there were some unique features in terms of the way Indian domestic policy makers have understood and reciprocated both the norm of humanitarian intervention and R2P. Therefore, it showcased the necessity for a domestic level analysis of

how India localized the norm in its foreign policy. The study by exploring the archival literature of India's historical past evaluated that the progression of the norm of humanitarian intervention and R2P has not been linear in its direction. It also emphasized on the fact that localization process was much more dynamic in nature based on a two-way interaction between the global and the local. India's case highlighted how the policymakers at the 'local' involved in domestic processes where important 'norm taker' who negotiated and impacted the internalization of the global norm. It was also noticed that Indian actors not only negotiated and responded to the norm at the national level by interpreting it according to its own domestic preferences, thereby influencing its internalization in the foreign policy but also, influenced the meaning and practice of the norm of humanitarian intervention, specifically the global debate of R2P at the international level. Therefore, Indian actors operating at the local level were where not only 'norm takers' placed in a hierarchical diffusion model in the global-local interface but they are also proactive agents in the tandem of norm diffusion. Hence, it was seen that the Indian actors were also significant norm shapers in the global-local interface. The way Indian actors attempted to shape the meaning of global norms, suggested that the process of localization was not limited to a top-down process based on 'congruence building' or contesting the norm. Therefore, India's case study suggested that local acceptance of global norm is an intricate multi-layered process based on a complex interaction between the global and the local.

Moreover, it was discerned that the norm of humanitarian intervention transitioned differently in each of the phases of the different time periods in India's context. As the progression was not linear, it was observed that the localization outcome at each of the phases varied. The variation in the extent of localization of the norm of humanitarian intervention was intrinsically linked with how the Indian actors i.e. Indian policy makers understood and implemented the norm and also simultaneously, moulded the norm both domestically and internationally. The transitions revealed a selective localization pattern by the national policy makers in India's context.

So, as the global norm traversed through different phases, it was seen that localization of the norm depended on the local politics and how the local political leaders as norm-takers have connected with the norm at the local setting particularly in the foreign policy. Through the process the Indian political leaders attached meaning to the norm, not only impacted its orientation in India's foreign policy at the national level, but also conditioned its significance as an international responsibility. Therefore, India's shifts were needed to be addressed under

this limelight. The way through which India's local level decision making influenced the applicability of the norm in India's foreign policy at the domestic level had significant repercussion at the international level such as in global platform like the UN. It was analysed that India's approach towards the norm roughly shifted in three of the phases i.e. 1950s to 1960s, 1970s to 1980s and 1990s to 2000s. The transitions were largely a product of the following factors: (i) how India visualized itself in the prevailing world order from time to time (ii) the transformations in India's foreign policy discourse in the different timelines and (iii) the role played by political leaders in defining the boundaries of the localization of the norm prioritizing amongst necessity, morality and interests. Although the operation of these factors showcased that the diffusion of the norm in India's context varied, nevertheless all the three phases unfolded that the complex interaction between the global and local as discussed previously. In order to explain these factors, let us summarize each of the three phases navigating from the chapters in this study.

1. 1950s-1960s

Although in this period the norm of humanitarian intervention as it was understood in the later decades of the 1990s was not there, and it was the nascent phase of the norm, fused in the histories of humanitarianism and human rights, it was witnessed that India through its foreign policy decisions intervened on issues of humanitarian concerns. The third chapter investigated how India's concerns for human rights violations and the struggle against imperialism formed the basis of the enunciation of the norm of humanitarian intervention during this phase under the leadership of India's first Prime Minister Pandit Nehru. While the chapter addressed how Nehru's interaction with the then prevailing world order influenced the advancement of the norm in India's domain in 1950s and 1960s, it was argued that India maintained a tradition of humanitarianism in Asia having roots in the 1930s. The chapter navigates this analysis using the archival records of Nehru and Krishna Menon. The development of the norm was intertwined with the precursory humanitarianism in the inter-war years of 1930s which subsequently guided India's endeavour of universalist foreign policy in the 1950s and the 1960s. By blending its national factors with the international anti-imperialist movement, India became the hub of international and transnational humanitarianism. The norm localization in the 1930s was the result of the interplay between the international and domestic factors. India's humanitarianism rested on Nehruvian vision of intervention for global solidarity against the imperialist forces and simultaneously, striving for India's sovereignty where the country was fighting a similar battle against the British. India confronted British imperialism at the domestic

level in the 1920s and 1930s and that connected India with the transnational network of humanitarian agenda of wider world-wide struggle against imperialism. Hence, on one hand the prevailing world order linked the anti-imperialist struggle fought by other Asian and African countries with that of India and on the other hand, Indian actors, particularly Nehru, endorsed the norm at the international platform. One of the significant aspects of this blend between nationalism and internationalism could be seen in the Spanish Civil War of 1936 where the internal conflict soon acquired a global dimension. Indian media not only showed its solidarity, but Indian actors such as Nehru and Menon believed that India's involvement should be more 'tangible' in nature than mere showing of camaraderie. Due to this, along with providing medical support, several Indian countrymen fought in the International Brigade in favour of the people and Government of Spain. India also supported China which faced similar aggression from the Japanese forces. Therefore, Indian political actors under Nehru's leadership built up the humanitarian tradition and combined that with wider network of Pan-Asia and other countries fighting similar battles against imperialism. This acted as significant antecedent in India's objective for "one world" in 1950s and 1960s, which was India's early years of independence that coincided with cold war and decolonization. During this period, under the Prime Ministership of the first Prime Minister Nehru, this vision got a further thrust and became an enlarged goal of India's foreign policy. In this period, as it was discussed, the norm of humanitarian intervention existed in a broader format, in the fused histories of humanitarianism and human rights. While India's earlier consolidation of the norm in 1920s and 1930s could be seen in the form of voicing for the rights of the colonies and anti-imperialism, India's humanitarian consideration in the 1950s and 1960s could be seen in the context of its participation in the emerging human rights discourse. The decolonization countries played a crucial role in the human rights politics in the UN and India, too actively participated in the norm dynamics of the UN through its interventions in multiple level. Indian leaders such as Nehru, Krishna Menon, Vijaya Lakshmi Pandit voiced their opinion against apartheid, imperialism and rights of the people. At the UN, Indian leaders negotiated human rights covenants, showed solidarity for the countries fighting against colonial rule and also sent peacekeeping forces to resolve international crises such as in Congo, Korea etc. Nehru amalgamated the domestic and the international and believed that it was only through freedom from colonialism that India and other countries could build up a peaceful Asia and ultimately a peaceful 'one world'. India's interventionist position therefore, depended on the constant interaction between the global and the local. While sovereignty was significant, however, India did intervene in matters of human rights and supported decolonization as our first hypothesis

suggested. Hence, in this period, the diffusion of the norm of humanitarian intervention in its foreign policy rested on India's anti-imperialist stance and its universalist idea of a peaceful 'one world'. At the same time, Indian leaders emerged to be a norm shaper, influencing the human rights politics at the UN. However, as India's response to the norm depended on its interaction with the existing world order of cold war and decolonization, supporting for the cause of human rights, the localization of the norm remained partial. This is because in the order vs justice debate, although Indian leaders stood for the justice of the people fighting against colonialism and apartheid, it did not go against the 'order' to establish the norm of humanitarian intervention. Rather, Indian leadership was a 'rule-taker' who established the principles of humanitarian intervention within the legitimate boundaries of the UN. It must be noted that "use of force" was only accepted during this period in cases of threats to international peace and stability and in matters of self-defence. India too, despite supporting human rights at the expense of sovereignty, it did not link human rights violation with intervention. India only participated in the international crises which had the legitimate sanction of the UN. Additionally, in cases of human rights violations, therefore, India believed in the negotiations within the scope of institutional legitimacy of UN.

2. 1970s and 1980s

The fourth chapter of our study deals with two case studies of India's intervention in the neighbourhood: Bangladesh (1971) and Sri Lanka (1987), using archival data. Although humanitarian intervention as a practice in international politics still did not became established as a full-fledged concept and continued to be debated within the ambit of human rights, these two cases were significant markers to understand the trajectory of the norm of humanitarian intervention in the Indian context in its nascent stage. Both the cases suggested that India's implementation of the norm in its foreign policy by its domestic policy makers also had international repercussions. It was observed from the archival study of the various speeches and documents in the case of the Bangladesh liberation war of 1971, that initially, India demanded for a political solution to the crisis and was not in favour of military intervention. However, a simultaneous operation of a number of international and domestic factors operated together that led India to localize the norm of humanitarian intervention during this period. These issues were highlighted in the chapter majorly through three significant debates: 'internal matter debate', 'time versus response debate' and 'order versus justice debate'. The analysis of these debates explained that while geopolitical and strategic angle was a crucial part of the conflict, the humanitarian angle entangled with the strategic factors progressed along with it.

The complex interplay of both factors together led to a humanitarian outcome. The chapter attempted to bring out the humanitarian angle of the war which has often been side-lined by the mainstream literature. Without discrediting the role of any of these factors the chapter argues how Indian political actors were cautious that the strategic and security concerns should not underplay the humanitarian character of the crisis. Indian political actors, particularly Prime Minister Indira Gandhi and her most important ally and advisor Haksar, was careful not to reduce the war into just another Indo-Pakistan conflict and invoked the language of human rights. Indian leaders made it a point to raise the question of human rights violation and genocide at the UN in order to favour a multilateral support for intervention from the international community. However, India's intentions were seen with suspicion by most of the world leaders, particularly the US who safeguarded Pakistan's interest and considered India's action as an act of aggression to dismember Pakistan. But this was a limited perspective. India's unilateral decision to use force for invoking justice was questioned by UN and as a result, India had to resort to the 'self-defence' argument for justification. Therefore, it was seen that India's geo-political and security interest merged with the interest of the government in exile from East Pakistan led to the localization of the norm. Along with this, there was a huge domestic pressure in India to intervene in the East Pakistan crisis.

Further, a detailed study of the debates in the archival literature suggested that categorizing India's intervention in terms of morality or interest had its shortcomings as it does not allow us to delve into the fact that how the norm of humanitarian intervention transitioned during this period in India. As a result, an in-depth analysis of the archival history of this period through the lens of Raghavan (2013), Bass (2013) and Haksar's documents (Ramesh 2011), explored how both the strategic and the humanitarian aspects worked together that led India to invoke the norm. Additionally, Indian leaders through its unilateral actions impacted upon the way the norm was perceived at the international level. India's through its intervention in terms of 'use of force' linked human rights violations directly with humanitarian intervention (which continued to be linked with international with peace and stability and self-defence). Although India had to ultimately resort to the self-defence argument but nevertheless it emerged as a 'rule-breaker' challenging the existing pattern of the usage of the norm. But as the various debates of the archival literature suggested that an amalgamation of multiplicity of strategic and humanitarian factors led Indian leaders to implement the norm in its domestic domain i.e. India's foreign policy, it would be safe to say that the overall localization of the norm remained calculative in nature despite providing a humanitarian outcome. While India's calculative

assessment of invoking the norm worked in the case of Bangladesh, it was a "misadventure" in the Sri Lankan conflict of 1987. Here, the archival records were suggestive of the fact that the India's IPKF force invoked the norm independently to bring about peace in the internal conflict of Sri Lanka. Quite similar to Bangladesh, India faced domestic pressure, this time from the Indian Tamils. At the Parliament and in Tamil Nadu, there was a strong emotional support to intervene for the Tamil cause. While India under Rajiv Gandhi planned to resolve the conflict through a political solution, but here too, India ended up intervening in the internal conflict militarily. However, India's amalgamation of domestic and international considerations for invoking the norm became evident in Sri Lankan case as well. The archival records suggested that India's mediatory role was seen with suspicion despite 'invitation' from the host country for intervention. Avtar Singh Bhasin's record of Sri Lankan documents brought into the limelight that Sri Lankan government officials such as Lalith Athulathmudali was apprehensive about India's role. It revealed India's unilateral policies for Sri Lanka under the veil of 'invitation' for intervention. Hence, the India was driven by mixed motives to bring about a peaceful resolution to the neighbourhood conflict. Nevertheless, India's calculative invoking of the norm in its foreign policy in the Sri Lankan case seemed to be a wrong decision.

3. 1990s and 2000s

In the post-cold war environment, the concept of humanitarian intervention became a more established norm in the international community. However, the contestation of the norm with sovereignty continue to persist in this new world order. Expanding the arguments from the fifth chapter of the study, it was observed that India's foreign policy objectives underwent through major transformation in this new environment. While the archival history of the 1970s and 1980s uncovered how India challenged the existing world order and invoked the norm of humanitarian intervention, in the 1990s, the trajectory of the norm of humanitarian intervention became more rigid. In the 1990s post-cold war world order due to the acute economic crisis and weak coalitions at the centre India's response towards the norm of humanitarian intervention took a back seat. India became more individualistic and as a result, became reluctant to endorse global norms. Rather, as an emerging power, India invested itself in a more multilateral framework and approached the norm on a case-by-case basis. Hence, matters associated with 'development' was in the priority list for India than resolving international crises. Despite having deep-seated resentment for the norm of R2P, India went on to endorse the norm in the 2005 World Summit. However, the transition to the new norm of R2P did not change India's scepticism regarding intervention. While the Indian government did not have

any problems with the Pillar I and Pillar II of the norm, it continued to be wary about the usage of Pillar III which speaks of 'timely and decisive action' using military force to resolve the conflict. Because of this, India remained suspicious about the implementation of the norm and has changed its position regarding R2P from time to time. The reservation against the norm was due to the fact that the norm was often misused by the Western powers and validated by them as a pretext for regime change (Libya crisis of 2011). Indian political leaders, media and officials at the UN have consistently argued that the norm should not become a Western propaganda and the use of force should be kept only as an extreme measurement when all other tactics has failed miserably. As a result, what could be seen that contrary to the other two decades where Indian actors localized the global norm partially and calculatively, challenging the notions of sovereignty. Since the end of the cold war period, the officials at New Delhi became extremely vigilant about endorsing the norm in its foreign policy at the domestic level. Even at international platforms such as UN, it could be seen how Indian Ambassadors Nirupam Sen and later Ambassador Hardeep Singh Puri showed their apathy towards the norm. While some scholars posited that Nirupam Sen's anti-imperialistic mind was the reason for India's initial aversion for R2P, it was seen that Ambassador Puri's standpoint was not radical. However, he too, raised concern regarding the norm and opined that the primary responsibility of protecting civilian lives lay with the government and warned that the third Pillar should not be 'misused'. Puri relied more on response towards the norm through a multilateral framework for the emerging power countries. So, India's localization of the norm depended on three factors: the changing international environment, growing suspicion of the Western unilateral use of force, its own position as a rising power trying to pursue its interests through a multilateral framework. Therefore, in this period, it was observed that India took a more 'conservative' posture towards the norm and emerged to be a rule-maker who endorsed the norm on a case-by-case basis suiting its multilateral arrangement and India's individualistic goals.

The examination of the evolution of the norm of humanitarian intervention and the subsequent R2P in India's foreign policy indicated that India neither completely accepted the norm in its foreign policy neither it has rejected the norm. Rather, trajectory of the norm depended on the complex interaction between the global and local where the local acted as both norm takers as well as norm shapers. Hence, the localization outcome in the specific context of India was influenced by two-way multi-layered diffusion process. The normative shifts in internalizing the norm in each period reflected that when a global hit the ground, there are myriad ways in

which the countries respond to the global norms. It also does not necessitate that the response to the norm in each phase would be identical in nature. Despite being partial and calculative, the degree of localization of the norm showed a positive progression in the cold war decade. However, as India moved in the new post-cold war world order, due to the concerns for fulfilling its own individual interests as an emerging power, there was a gradual shift from universalism which was the most defining feature under Nehru's tenure. Further, domestic reforms and economic growth rate boosted India's emerging power status. Hence, while India remained a norm-taker[9] shaping the norm within the boundaries of UN and norm-breaker in terms of its challenging the pattern of the world order for the sake of justice as seen in case of Bangladesh and Sri Lanka in the cold war period, India's interests moved towards becoming a norm-maker in the post-cold war environment. In these changing dynamics with the world order and foreign policy concerns, India deviated from the norm. India preferred to respond to the norm in more multilateral framework on a case-by-case basis. India became a reluctant power in the new liberal order and did not want to advance any new normative agenda (Hall 2017). India's norm-making role was to cater to its own individualist preferences in the world order that would be suitable for its emerging power status. Therefore, the study of each phase suggested how localization of the norm of humanitarian intervention is a product of multiple factors entangled with each other facilitating a complicated diffusion process at the global-local nexus. The local therefore are important part of the diffusion process and their role is not limited to modify norms through congruence building measures. India's localization was the result of India's interaction with the global world order and how India positioned its foreign policy concerns in that particular world order. Scholar such as Wojczewski (2018; 2019) argue how "foreign policy and world order were used as sites of re-production of a particular representation of Indian identity". As a result, India often seeked for Western recognition and yet consistently strived for autonomy (Wojczewski 2019:182). Although India is a key actor and partner for the West but it wants to pursue its own "world-order policy" (Wojczewski 2017:2). India's pursuit has been to follow the policy of multi-alignment and seek partnership with all major actors and follow foreign policy autonomy and economic development (Wojczewski 2017:2). Moreover, India's engagement with the norm also revealed India's changing dynamics with the norm of sovereignty. While in the cold war period, India

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[9] India's shift from Universalism to Individualism, changes as a norm-taker or norm-maker, from idealism to pragmatism has been analysed and coined by a range of foreign policy experts whose work is discussed in details in the chapters. Some of the notable analysis has been that of Mukerjee (2011), Malone (2011) and Mukherjee and Malone (2013)

prioritized decolonization and human rights over sovereignty, in the post-cold war order, India became rigid towards the concept. Under Nehru's leadership as it was discussed previously that India questioned the validity of sovereignty as a concept when there was acute human rights violation. However, India's questioning and challenging sovereignty was limited to UN debates or advocating for peacekeeping only when sanctioned by UN. Institutional legitimacy was important aspect for India's localization of the norm. In the case of Bangladesh war under Indira Gandhi's leadership and Sri Lankan conflict under Rajiv Gandhi's leadership, India challenged sovereignty through its unilateral and independent actions to resolve neighbourhood tensions. However, in the post-cold war order, changing international environment, foreign policy priorities and suspicion of Western method of intervention not only deviated India from the norm of humanitarian intervention but also made India rigid and protective about sovereignty. As Indian Ambassador Puri's speech suggested sovereignty as responsibility was the exclusive attribute of the nation-state. Therefore, India's specific response to the norm through the phases reveal selective localization towards the norm through India's two-way exchanges at the global-local interface.

4. Implication for Future Research

The scope of the research is to test norm localization theory as a significant tool of research in order to address how norm transcends from the global to the domestic 'local' level. India's discrepancies with respect to the global norm of humanitarian intervention provided the valid grounds to explain how domestic actors and domestic processes manoeuvre the diffusion dynamics of global norm. The journey of the norm suggested two things: (i) norm localization is a much more complex procedure and not limited to 'modification' of the norm through 'congruence' building by local actor functioning at the domestic level. Therefore, domestic actors are not mere norm entrepreneurs accepting or rejecting norms, but they interact with the global in myriad ways to create, question, diffuse or transform a norm. India's case study showcased how India's exchanges with the world order and its foreign policy concerns in the different time period led to a selective diffusion of the norm. (ii) norm localization is not a hierarchical process. The local emerge as significant partners to the global who shape the norm. Hence, norm localization should not be viewed as a one-way process where global and local are in a dichotomous relationship. Rather, localization depends on the interaction of both global and local. On one hand, Indian actors were norm-takers invoking and diffusing the norm at the national level in India's foreign policy while on the other hand, they are also the norm shapers who influence and mould the boundaries of the norm at the international level. Therefore, while

the study focused and aimed to contribute on broadening the concept of localization, the study also moved beyond the localization process to explain how variations in diffusion occur as a result of this global-local interaction. Hence, a new research agenda would be based on supporting this emerging body of literature which is gradually making its space in the norm diffusion dynamics i.e. how different localization patterns can be observed. This can be done by analysing specific case studies or countries rather than situating localization theory under the purview of being a regional concept. Emerging scholars in the discipline have already started questioning and addressing this issue. A new research agenda can examine different localization patterns occur and establish how they are significant to define a certain phenomenon (by studying other cases) occurring in international relations.

Moreover, the trajectory of the norm and exploring the archival literature of India's foreign policy highlight a need for further exploration of archival research. India's enriched archival literature is an ideal site to analyse and provide a nuanced understanding of India's foreign policy. For example, the study of this research while scrutinizing India's political history to explain the trajectory of the norm, could position the argument that how India prioritized its foreign policy in the given world order. India's political history can be used as a strong method for qualitative empirical research to unlock the knots of many of India's unresolved puzzles related to India's foreign policy. By studying India's history in the new light, further research can promote in India's policy making.

The research agenda also contributed how as a global norm how humanitarian intervention was conceived not only at the international level but also at the domestic level of a specific country such as India. The research using the theoretical framework of norm localization explained how as an emerging power India understood the norm, how the norm changed over a course of time and how can we address the reasons for India's change towards the norm. Therefore, in other words, through our explanation of India's selective localization of the norm particularly its new version of R2P, the research addressed 'how' and 'why' India had a fluctuating stance towards the norm. While a numerous opinion pieces existed on this matter, this study contributes to analyse the entire journey of the norm in India's foreign policy since the time India gained its independence. Because of this the work covers a vast terrain of historical data of multiple variables to understand both the journey of the norm at the international level and its simultaneous diffusion by the Indian domestic actors at the local level. Borrowing from this body of literature, new research can evaluate India's probable standpoint towards resolving international crises in the future and its prospects for promoting R2P.

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Personal Interview of Colonel (retired) Ajay Katoch

1) What was your designation during the Indian Peacekeeping Force (IPKF) intervention? in the 1987 Sri Lankan Civil war?
    Company Commander in an Infantry Battalion.

2) What was the duration of your service there as a military officer?   July 88 to March 90

3) Briefly mention some of the duties specifically assigned to you in the IPKF ?

    We were assigned all duties which an Infantry Battallion carries out in Military Operations, as we were inducted after skirmishes had broken out between IPKF and LTTE. We were deployed on ROPs, Ambushes, Raids, Cordon and Search, Area domination and Patrolling.

4) What was your in the field experience in Sri Lankan Civil war as military personnel?
    The operating environment was pretty tough since our Battallion from inception itself was deployed in thickly forested areas with extreme poor visibility even during day and with scarce resources which made conducting operations very difficult. We were expected to be on our feet 24*7 and were mostly out of our posts continuously at a stretch for 48 to72 on self-contained basis. More ever we were operating in an alien land and a language we did not understand.

5) a) Discuss some of the responsibilities assigned to your colleagues during that period.

    The duties assigned to my colleauges were the same as brought out in Para 3
    above.
    b) What were your shared experiences as a team?

    Our operations with the IPKF brought the best out of us all. We came closer as a team and understood our Officers and Troops much better than before, in the sense, what a particular individual/individuals excelled in / what were his / their short comings and therefore were able to employ him/ them on tasks which brought out the best in them and to the best advantage the unit. We learnt how to live in unsuitable environments and to live and operate within the available resources we had.

6) What is your opinion of the Indo-Sri Lankan Peace Accord signed in Colombo in

    1987?   In
    my opinion the Indo Lankan Peace Accord of 1987 was flawed from the very beginning as the Indian government appears to have pressurised the Sri Lankan govt in signing the accord for getting the political demands of the the minority Lankan Tamils who constituted only 18 percent of the Lankan population and in the process about 15000 sq

km area (comprising the northern and eastern provinces where tamils were in majority) out of the total 50000 sq km area of Sri Lanka was to be created as a separate Tamil Elam. In doing so the Lankan govt was required to part with almost one third of its total area to the minority tamils .(18 % population) . What we failed to realise was that most of the ethnic conflicts in countries have a political angle to it and therefore require a political solution which in my opinion only the country concerned can resolve. The end result was that the Sri Lankan govt asked India for withdrawl of the IPKF from Sri Lanka.

7)   What is your strategic analysis of India's intervention in Sri Lanka?

   India intervened in Sri Lanka mainly for these reasons :- Firstly: India has a large Tamil population in Southern India who were sympathetic to the cause of the Sri Lankan tamils and the Indian govt did not want a spill over of that conflict and ideology into its southern states which would have created problems for India itself. Secondly: India did not want any outside countries viz USA, China or Pakistan to intervene in Sri Lanka which would have undermined India's clout in the region . Thirdly: An endless stream of Lankan tamil refugees entering South Indian states was a security risk.

8) a) While the nature of the intervention in the conflict was an armed military intervention, India performed a peacekeeping operation to stop violence and restore human rights. What do you think of India's armed humanitarian action in conflict situations such as the one during Sri Lankan ethnic crisis?

 I personally feel that Indian armed humanitarian action in Sri Lanka should have been avoided as all ethnic conflicts in countries have a political angle to it and are at best resolved politically by the countries concerned. Therefore, before intervening in this conflict the Indian govt should have ensured firm commitment from the Sri Lanka govt to abide by the accord or face consequences in case it failed to do so.

    b) Humanitarian intervention and actions take place when a state uses military force against the other state in order to end human rights violations when that other state is incapable or unwilling to do it. Do you think India's intervention in Sri Lanka was a justified humanitarian intervention to restore peace in the neighbourhood?

India's intervention in Sri Lanka was not with the aim to engage with the Sri Lankan armed forces. India was to make available its force (IPKF) with the sole aim of keeping peace between the warring LTTE and the Sri Lankan forces while the accord was implemented. Later on however the IPKF had to conduct military operations to ensure peace and security to ensure free and fair provincial elections which were a pre requisite for the merger of the two provinces.

c) Humanitarian intervention is often driven by mixed motives in which moral humanitarian ground is one of the goals. Do you think India's intervention had moral considerations or was it more of an interest-based intervention to establish its regional supremacy and balance US in that period? Please mention other reasons as well if applicable.

In my opinon it was an interest-based intervention for reasons as outlined in Para 7 above

d) India has opposed external intervention in regional conflicts and has been an ardent supporter of sovereignty. Yet, India has intervened time to time in the region like it did in the Sri Lankan case. What is your opinion of India's understanding of sovereignty?

Sovereignty according to the Cambridge Dictionary means the power of a country to control its own government. I am sure India's understanding of sovereignty is also the same. However in cases where it sees ethnic conflicts in its immediate neighbouring/ bordering countries as being detrimental to its own national interests as in the case of Sri Lanka and erstwhile East Pakistan (now Bangladesh) it has and will not hesitate to negotiate / intervene .

9) Humanitarian intervention under UN authorization gained significance mostly in the 1990s. However, the essence of the norm was always a part of international relations and a lot of academicians consider several Cold war interventions as valid cases of humanitarian interventions in their scholarly writings, including the Sri Lankan case. The Sri Lankan intervention happened almost towards the end of the last decade of the Cold war period and humanitarian intervention had acquired some shape by this time.

a) In the cold war context, how do you visualize India's views on humanitarian intervention specifically with respect to the Sri Lankan case?

No comments offered

b) Bangladesh war of 1971 was also regarded as India's humanitarian intervention. What are the point of shared characteristics and differences between Bangladesh case and Sri Lankan case?

Both interventions were done to prevent any spill over effects of the ethnic conflict and influx of refugees on to the Indian state of West Bengal and other NE states in the case of Bangladesh and South Indian states in the case of Sri Lanka. In both cases the Mukti Bahini and LTTE were initially given training by India. However, the main difference in the Bangladesh case was India's full-fledged unilateral military intervention to resolve the issue which resulted in the creation of a new country Bangladesh thereby securing for itself a friendly neighbour and reducing it already overstretched security concerns especially from China. In the case of Sri Lanka Indian forces were sent after mutual discussions after the Indo Lankan accord.

10) Both from a policy perspective and from the perspective of your personal military experiences, what are India's viewpoints on humanitarian intervention in foreign policy?

In my opinion India has always favoured humanitarian interventions in countries where ethnic conflicts have / are taking place for their peaceful resolution, without use of force.

Signature

(Colonel (Retd.) Ajay Katoch)

26 OCT 2020