Sovereignty and Intervention: Opinions in South Asia

by Radha Kumar

Introduction

SINCE the Dayton Peace Agreement of November 1995, which brought an end to the Bosnian war, there has been increasing debate on whether or not - and in which way - the world should intervene in ethnic conflicts. In a way similar to the sharp breaks which prevailed during the League of Nations and just after World War II, international policy is once again debating the standoff between territorial integrity and self-determination, with the emerging doctrine of humanitarian action in a kind of fuzzy middle place (as yet unready to tackle the ‘what next?’ questions of final status). This paper hopes to clarify some of these issues by addressing them through a review of how they are being addressed in South Asia.'

Internationally, the post-Cold War period is one in which a new principle is being developed: that sovereignty is not an end which justifies all means. Though this was initially iterated during the Gulf War, vis a vis the Kurds in Iraq, it was developed some years later, in the wars in the former Yugoslavia. The Gulf War was the first post-Cold War test of South Asian positions on national sovereignty and international intervention. India, which had maintained cordial relations with both Iraq and Iran during the Cold War, and which had earlier been a fairly vocal critic of the Atlantic alliance, was comparatively formal in its protest of the Gulf War. Indeed, public protest was stronger than government reaction in most of the countries of South Asia. By and large too, South Asian governments remained indifferent to the wars in Bosnia-Herzegovina, though they were hotly debated on the football fields in India (traditionally a Muslim sport), and much more widely in Pakistan. It was only when the NATO bombing of Yugoslavia over Kosovo began that South Asian countries woke up to the changes being wrought in the post-Cold War period. India, which had removed itself to the position of largely silent sympathy with Bosnia, having been one of the first countries to recognize it, turned huffy at the NATO bombing. Pakistan, which had, under Benazir Bhutto, been formally proactive over Bosnia and had committed troops to the UN and then the NATO peacekeeping missions, was largely absent, preoccupied perhaps by internal contests between the army and the government which were accelerated by the Lahore peace initiative and the Kargil incursions of spring/summer 1999. Like Pakistan, Bangladesh committed troops to the UN mission in Bosnia. Afghanistan vowed to contribute Mujaheddin to both Bosnia and Kosovo. Sri Lanka and Burma were uninvolved.
Significantly, none of the South Asian countries entered into the worldwide debate which surrounded NATO’s intervention in the Bosnian and Kosovar wars. India’s opposition to the NATO bombing was a pro forma repetition of its long held stance that territorial integrity and state sovereignty are overriding goals to which (by implication though never stated as such) human rights and humanitarian concerns should be subordinated. In many ways, it was a weak repetition, with India supporting Belorussia and Russia in a formal resolution rather than actively lobbying against the bombing campaign. Pakistan’s response was chiefly instrumental: "If Kosovo then why not Kashmir?", its ruling elite asked, though cynics also underlined the great delays in intervening to save a beleaguered Muslim community. Similarly, Afghanistan’s Taliban regime underlined the failure to intervene in Chechnya, while also pointing out that NATO’s intervention was too little too late. In other words, neither of the three countries pushed to discuss the bombing in relation to international principles rather than great power dispensation. Many of them, India certainly, would have once done so. Does this represent a significant shift in South Asian positions?

**Historical Background**

**India**

South Asian positions on sovereignty and intervention are, like most countries’, subject to interest, circumstance, and threat perception. Though close to a thousand years of imperial rule could have been expected to make South Asia’s newly independent countries reflexively suspicious of international intent, independent India was not only an enthusiastic supporter of the United Nations, but also initially supported intervention for decolonization, even to the extent of bringing the partly internal dispute of Kashmir to the UN. India had assumed that the UN would primarily address the inter-state aspects of the conflict, and would order Pakistan to remove its troops from the districts of Jammu (now known as Azad Kashmir) which were occupied following the 1948 war. Instead, the UN extended its proposals to suggest re-opening the question of Kashmir’s accession to India, or alternatively, a new partition of the erstwhile princely state (which had already suffered a de facto partition during the 1948 India-Pakistan war). Burnt, India grew wary of international intervention, amending its position to oppose military intervention but supporting peacekeeping and international pressure (such as sanctions against South Africa’s apartheid regime). At the same time, India focused its energies in the next decades on removing Kashmir from the UN’s sphere, first with the Tashkent Declaration of 1966, which followed Pakistan’s disastrous invasion of Jammu and Kashmir in 1965, and then with the Simla Agreement of 1972, which followed the 1971-72 Bangladesh war. While the Tashkent Declaration stressed bilateral negotiations, the Simla Agreement spelled out that India and Pakistan would henceforth settle their disputes peacefully.
through bilateral negotiations; and secondly that the cease-fire line would be converted into a 'Line of Control'.

The 1971 war marked a qualitative shift in India’s position, away from non-intervention to a Monroe-type doctrine of regional intervention. Formally, India argued that it had to intervene in East Pakistan on both humane and pragmatic grounds, to protect refugees and because refugee pressure was posing a threat to Indian security - an argument strikingly similar to the NATO alliance’s doctrine of humanitarian intervention in Kosovo, which asserted both that the refugee’s right to return had to be upheld, and that the refugee flow from Kosovo could destabilize South-East Europe. At the same time, the Indian calculus included the containment of Pakistan through its division, and an assertion of India’s regional clout. The war ended with a decisive Indian victory, the establishment of Bangladesh, and a circumspect Indian withdrawal from Bangladesh and (under the Simla Agreement) the Pakistani territory it had conquered.

The next break in India’s position came in mid-1987, when India and Sri Lanka signed a peace accord to settle the Tamil-Sinhala conflict in which the Indian state of Tamil Nadu had been playing an increasingly active Diaspora role, arming and sheltering Tamil militants under the averted gaze of the central government. In 1985, when Rajiv Gandhi stepped into Indira Gandhi’s shoes, the central government began to press the Tamil Nadu government to crack down on militant camps, while attempting to negotiate a Sri Lanka-militants’ peace agreement. The attempts failed until India agreed to take a proactive peace keeping role in the conflict. Under the terms of the 1987 Indo-Sri Lankan Accord, India would send a peacekeeping force (the Indian Peace Keeping Force, eventually over 50,000 strong) to the Tamil-dominated Northern and Eastern Provinces of Sri Lanka which would be demilitarized and placed under an interim provisional administration until elections for a joint provincial administration could be held.

There was considerable criticism of the Accord in Sri Lanka as surrendering sovereignty under pressure from a powerful neighbor, and riots broke out against it. However, the Indian peacekeeping mission had longer lasting consequences on India than on the Tamil conflict in Sri Lanka. The inevitable IPKF-Tamil militants’ conflict, which the Indian peace keepers’ task of demilitarization entailed, sharpened the divide between the central and Tamil Nadu governments. Despite the central government policy to cut off aid to the Tamil militants, the Tamil Nadu government continued to supply them. Within Tamil Nadu, public hostility towards the IPKF role in Sri Lanka was intense. The IPKF troops began to suffer a loss of confidence with the realization that a number of Indians were hostile to what they were doing; there was, too, a smoldering anger that Indian troops 'were killed and maimed by the explosives and grenades manufactured in Tamil Nadu' and that cadre of the Tamils’ most ferocious
group, the Liberation Tigers of Tamil Eelam (LTTE) were treated at hospitals in Tamil Nadu.

Though the IPKF was targeting Tamil separatists, Sinhala hostility to the IPKF presence had, if anything, mounted in the year that they had been there and, following elections in late 1988, the Premadasa government asked the IPKF to withdraw when their mandate expired in early 1990. At the same time, the Sri Lankan government began to arm the LTTE against the moderate Tamil Provincial Council which was supported by the IPKF. In late 1990, the IPKF withdrew, with a firm resolve never to return. The LTTE’s assassination of former Indian Prime Minister Rajiv Gandhi in 1991 effectively cut Indian Tamil Diaspora support for Sri Lankan Tamils, thus inadvertently improving the prospects for an internal Sri Lankan peace process to begin. Close to ten years later, when the Sri Lankan government under President Chandrika Kumaratunga again requested Indian military aid, in 1999-2000, the Indian government offered all support short of military aid.

India's foray into regional peace keeping has been viewed as a version of the Monroe doctrine, but it can also be argued that it represented a failed effort to rise above Indocentric political and strategic concerns. Certainly Rajiv Gandhi brought considerable criticism upon himself both from Tamil supporters and on mainstream grounds of cost, military inefficiency and the loss of India's prestige which followed on the IPKF's failure. In the end, he paid with his life, assassinated by a Tamil suicide bomber while electioneering in 1991. Nevertheless, the peace keeping mission planted the seeds for later governments to allay Sri Lankan suspicions of India’s hegemonic designs. Today there is much greater Sri Lankan confidence that India will support a negotiated domestic solution of the Sinhala-Tamil conflict.

Meanwhile, India’s surprise nuclear tests of 1998, followed by Pakistan’s tit for tat tests within a few weeks, foreshadowed the India-Pakistan conflict internationally. Sanctions were slapped on the two countries, and at US behest the Permanent Five at the UN Security Council and the European Union’s G-8 countries created a special South Asia focused pressure group. As the country which had tested first, India came in for special international opprobrium. Perhaps the unkindest cut of all, from the Indian point of view, was the US and UK threat to help bring India under China’s "security umbrella" (so much for democracy, many Indians felt). And with the new potential for escalation created by the two countries’ going public with their nuclear programs, Kashmir turned, virtually overnight, into "the most dangerous flash point in the world", to use President Clinton’s now famous words.

Shocked by international reactions, the two countries moved into a cautious and largely formal dance of peace in early 1999. Pakistan’s incursions into Indian-held territory in the Himalayan region of Kargil while the peace process was ongoing,
however, followed by the escalation of violence in Jammu and Kashmir, has made the international community newly receptive to India’s campaign of the 1990s to have the international community note Pakistan as a supporter of "cross-border terrorism". The Taliban’s refusal to help with the capture and trial of Osama Bin Laden, and Pakistan’s reluctance to pressure their ally, has not helped. Evidence of Pakistan’s superior nuclear preparedness, leaked during the Kargil conflict, combined with its present economic and political instability, has further added to international fears. In other words, the "internationalization" of the Kashmir dispute has not threatened India’s sovereignty, as was traditionally feared. Instead, international attention has helped push for a peace process in Kashmir, and India’s initiatives for a cease-fire in the region have gained considerable international support.

Pakistan

Pakistan’s positions on sovereignty and intervention have developed chiefly in relation to India, with Kashmir and Afghanistan forming two distinct and partly separate strands. Beginning with a conflict with India over Kashmir in the first year of the two countries’ independent existence, Pakistan’s fears of India’s presumed hegemonic intentions were first stimulated by the 1947 partition negotiations themselves, which awarded India the key connecting bridgehead of Gurdaspur between Lahore in West Pakistan and Srinagar in Kashmir, thus further weakening what Pakistan saw as a just claim to a contiguous Muslim territory. Kashmir’s hasty accession to India during the 1948 conflict was seen as further confirmation of Pakistan’s fears, and Indian support of East Pakistan’s independence movement cemented them. These fears led Pakistan to privilege alliance over sovereignty, first with the US and then with China. Its fifteen-year long alliance with the US was jolted when the US failed to come to its support during the 1971-72 Bangladesh war, but was taken to a new level of dependency under the military regime of General Zia ul Haq, who turned north-western Pakistan into a staging post for a US-aided jihad against the Soviet invasion of Afghanistan.

The US-Pakistani "Afghan policy" led to an enormous injection of arms into the region, and also to the operation of training camps for Islamic warriors whose field could be partially restricted to Afghanistan as long as the Soviets were present. Though the US eased out of the Afghan policy when the Soviets withdrew, and scaled down Afghanistan-related aid to Pakistan - including a virtual shut-down of aid for Afghan refugees in Pakistan - the problems created by the Afghan policy multiplied. Afghanistan’s civil war intensified and most attempts at damage limitation failed. US attempts to buy back arms from the Afghan militants in the early 1990s were rebuffed, as had been Indian attempts to buy back arms from the Tamil guerrillas in Sri Lanka. UN diplomacy effected a short-term breakthrough, gaining the consent of the warring factions to an interim administration for the country. But the decision that this
administration would be composed of leaders of all the factions who controlled territories was a temptation for new factions to seek power through war, as happened in February 1995, with the rise of the Taliban from the training camps in Pakistan. Today the Taliban is the de facto government in Afghanistan, in control of the bulk of its territory. It has also been briefly bombed by the US in 1998 in retaliation for its harboring Osama bin Laden, the Saudi millionaire suspected of masterminding the US embassy bombings. Pakistan came under continuing US pressure to bring about the extradition of bin Laden, to use its influence to curtail the Taliban, and to wind down the militant training camps. It was, however, by this time absorbed in its own version of a Monroe doctrine, i.e., to acquire strategic depth via Afghanistan, being afraid of what confrontation with the militants might bring.

Two developments marked the 1990s. First was the transformation of Pakistan’s earlier Kashmir policy, which initially after the 1971-72 war confined itself chiefly to calling for intervention in international fora, into something more closely resembling its Afghan policy, of training and arming militants for the Kashmir conflict; this introduced a pan-Islamic element into the Kashmir movement and turned Kashmiri self-determination groups into increasingly fractured guerrilla forces. And second, the escalation of sectarian violence within Pakistan, as a consequence of the influx of weapons into the country during the Afghan war, combined with the spread of a political ideology of international jihad, led militant groups to turn to other causes as the Taliban consolidated its position, such as Indian Kashmir and Shia-Sunni conflicts within Pakistan. This has blurred the line between groups fighting neighborhood wars, in Afghanistan or Kashmir, and groups fighting internal wars in Pakistan, and is proving an obstacle to the Pakistan government’s present de-weaponization scheme.

Internationally, the two developments have also affected Pakistan’s long held position that the Kashmir conflict can only be settled by international intervention. Pakistan tried again, in the early 1990s, to press the case for international intervention by linking Kashmir and Bosnia, and in 1994 succeeded in getting the Organization of Islamic Countries (OIC) to set up a 'contact group' on Kashmir, to which Bosnia's former prime minister, Haris Silajdic, was appointed, and more recently to linking Kashmir to East Timor at the UN Millennium Summit of early September 2000. The international consensus, however, remained one of supporting bilateral negotiations in consultation with the people of Jammu and Kashmir and Azad Kashmir, pressing India to curb human rights violations (this would include curtailing troop presence), and pushing Pakistan to curb recruitment, training and aid for the Kashmir militants. By the fall of 2000, in fact, the proliferation of militant groups and their increasingly open violence in both Kashmir and Pakistan had become a sufficient cause of concern for international pressure on Pakistan to mount, to the extent that the country is being urged to create conditions for the renewal of dialogue with India.
Bangladesh, Sri Lanka, Nepal, Bhutan

For the relatively weaker or smaller countries of South Asia, the question of intervention has been too close for comfort, as the threat was perceived primarily to come from India. They have thus traditionally sought great power alliances to balance India’s comparative dominance in the region. Sri Lanka entered into pacts with the US, and Bangladesh, Nepal and Bhutan flirted with China, though Pakistan’s strong alliance with China limited Bangladesh’s desire for anything similar. Like Pakistan, their positions on sovereignty were qualified by fears of their large neighbor. Unlike Pakistan, however, they did not give similar emphasis to such alliances with the great powers.

By the 1990s, too, a gradual shift in Indian policy towards improving regional relations through bilateral negotiations rather than pressure, led to a thaw in the smaller neighbors’ suspicions of India’s hegemonic ambitions. Sustained work both between Bengal and Bangladesh, and India and Bangladesh, has smoothed contentious claims over the sharing of river waters, while Bangladesh’s willingness to strike a peace deal with the Chakma tribals in the hill tracts on the Bangladesh-Bengal border, has helped settle some of the border disputes. Bangladesh may, indeed, begin to export electric power to India. India’s support to Sri Lanka vis a vis the Tamil insurgency since the late 1980s, has allowed cordiality to creep into India-Sri Lanka relations. Though India was somewhat chagrined by Sri Lanka’s preference for Danish diplomacy in the latest peace initiative of 2000, the chagrin was relatively easily dissipated by including India in a consultative role.

India’s push over the last decade, to stimulate bilateral and South Asian trade, slow as it has been, has also helped mend fences in the region, and the smaller countries’ initiatives to get the South Asian Association for Regional Cooperation working is another indication that sovereignty fears are less volatile than formerly in the bulk of the South Asian countries.

Conclusion

Overall, the South Asian countries appear to have concluded that the end of the Cold War has ushered in a period of superpower dispensation by the US which fundamentally alters the terms in which sovereignty and intervention were once debated. They do not, however, appear as yet to have developed new policies to position themselves in relation to this alteration, other than working individually on their relations with the US and, if necessary, subordinating their relations with other countries to that of the American connection. India, in particular, has relinquished its roles in such fora as the Non Aligned Movement as well as downgrading its relations.
with most of the Arab countries, in pursuit of better relations with the US, though this does not mean that it will support US positions on intervention or even peace keeping.

In part, South Asia’s relative quietude in international affairs also reflects internal preoccupation, both with the intractable conflicts in Kashmir and the Tamil homelands, and with changing economic and regional relations. Nevertheless, its quietude is striking with reference to the emerging doctrine of humanitarian intervention which is being hotly debated elsewhere, especially as it is emerging in a milieu in which the use of violence by self-determination groups is being widely questioned.

At present, the principle that sovereignty is not an end which justifies all means cuts both ways. Intervention against genocide is now an acceptable principle, though what constitutes genocide continues to be debated, and of course it is par for the course that in the near future this principle will be selectively and rarely acted upon. Meanwhile, if state fiat against self-determination movements is becoming a matter of international rather than internal concern alone, armed self-determination movements/groups, such as the Irish Republican Army, the LTTE, and the Kashmir militant groups (which are constantly renaming themselves), are increasingly being seen as impediments to peace in a period in which the international community is relatively more supportive of devolution negotiations than it was either under colonialism or under the Cold War.

In this context, it is significant that while South Asian positions on intervention have not changed substantively in the post-Cold War period, their positions on sovereignty are beginning to change in important ways. To differing degrees, the bulk of the South Asian countries are beginning to move away from the unitary and centralized state structures of the post-colonial era. In India and Sri Lanka, governments are showing new readiness to consider formulae for self-rule for Kashmiris and Tamils. Sri Lanka, in fact, has been trying to negotiate a devolution agreement with the Tamil groups for several years now, but at each point negotiations have been stymied by a combination of government pusillanimity and LTTE intransigence. Nevertheless, the Sri Lankan government is moving step by gradual step towards a devolution package that might mollify Tamil aspirations.

More than any of the other countries in South Asia, Sri Lanka has involved third parties in mediation as well as peace keeping, even when they have been as intimately connected to the conflict as India. Apart from the IPKF episode of 1987-90, Sri Lanka appealed for international military support in its renewed war with the LTTE in 2000 (this was not forthcoming). Meanwhile, it sought British mediation briefly in the 1990s, and more recently welcomes the Danish initiative to explore conditions for a Sri Lanka-LTTE peace process, which began in late 1999.
India, on the other hand, is highly unlikely to welcome third party mediation, or to change its position that the conflict within Jammu and Kashmir is a dispute which has to be settled internally while the dispute over Kashmir (which includes Azad Kashmir) has to be settled bilaterally with Pakistan. It is, however, increasingly committed to devolution negotiations nationwide, and to working towards an adequate devolution package for Kashmir. And it appears to be very gradually and cautiously moving towards welcoming third party support for a peace process with Pakistan, while rejecting third party mediation.

In short, current South Asian attitudes towards intervention and sovereignty can be summed up as follows:

1. A lowered profile in international debates over intervention, including on humanitarian grounds;
2. A growing regional consensus on peace process support without intervention in regional conflicts;
3. A move away from centralized state concerns over sovereignty to an interest in devolution as a potential solution to conflict;
4. Towards which comparative experience - for example, from Northern Ireland - might even be considered relevant. In other words, the exceptionalism which most countries claim for their civil conflicts in comparison with each other, in order to stave off challenges to their sovereignty, is beginning to be put in abeyance in South Asia, where the emphasis is now on peace processes.

In other words, South Asia is moving hesitantly, but positively, away from purely defensive postures over intervention and sovereignty, and towards placing greater value on human rights, peaceful negotiations, and power-sharing as intrinsic elements to national and regional development.