

Harmonizing Sovereignty and Citizenry Protection: Is Humanitarian Intervention the Silver Bullet?

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State sovereignty and non-interference in its domestic affairs, and equally, a state's bounden responsibility to preserve the right to life of its citizenry—two fundamental and globally established principles of the international system—have in the post Cold War decades witnessed erosion. Because in many intra-state conflicts, powerful states, invariably from the West, have tended to exhibit geopolitical impulses to cherry-pick employment of military force for national interest-driven agendas, behind the façade of such interventions being proclaimed 'humanitarian'. The results in most cases have been mixed. The related security vocabulary of preventive war, regime change and democracy export has also come in for increasing questioning.

On the other hand, when societal breakdown, genocide and mass killings, and gross human rights violations take place in a state, should these barbarities be acceptable to its neighbors, regional players and the international community from the standpoints of ethical imperatives, international law and conventions, and regional and international security? In such a bewildering sovereignty-intervention dilemma, would employment of military force in the cause of peace and human rights be justifiable? As far back as 1904, US President Theodore Roosevelt argued "that there are occasional crimes on so vast a scale and of such peculiar horror" that we (the US) should intervene by force of arms.¹ A century later, the United Nations General Assembly Declaration of 2005 was perhaps emblematic of the globally perceived compulsion, in such instances, to vest the international community, with the Responsibility to Protect, the so-termed R2P (used hereafter). But this too has evoked mixed reactions in both the developed as also the developing world, stirring up a great deal of debate.

The aforementioned developments also need to be examined in the context of the on-going game changing geo-strategic shift of global power and influence

from Europe-North Atlantic to Asia as this is important for a proper understanding of the state of play in world affairs during the decades ahead. A related development of import concerns the post Cold War trend of a move away from state-centrism to comprehensive human security, arising from people's unfulfilled political and socio-economic aspirations. These twin-trends are expected to not only make for a rising possibility of intra-state conflicts within institutionally-weak and non-democratic states in Asia—large parts of which are still developing—but also invest this continent with greater responsibilities in global affairs. Thus unlike in the past when power lay in the hands of wealthy nations, in the decades ahead, the world would witness relatively poorer countries like China and India exercise greater responsibility in global peace and security by virtue of their rise.

Past cases of interventions, the West Asian 'Arab Spring' of 2011, leading to NATO intervention in Libya, and the ongoing unresolved humanitarian crisis in Syria have brought out two key lessons: one, that such interventions should not be perceived as a one-size-fits-all, because the hierarchy of national interests of states are situational; and two, Asia, as the global powerhouse of the future, would need to learn how that power has to be exercised not only to shape the inter-governmental, non-governmental, academic, think-tank and global/regional civil society and media discourse, but also provide the much-needed Asian perspectives on generation of policy responses for resolving such intra-state humanitarian crises in future. For expansion of power must bring commensurate increase in responsibilities and commitments. Significantly, for the first time in recent history, Asian military expenditures are forecast to exceed that of Europe in 2012, a trend that could continue for decades, with many tending to believe that NATO's role in international security is set to progressively attenuate.

Sovereignty: Absolute or Responsibility-Centric?

Tracing the evolutionary narrative, Vitoria (1492-1546), Grotius (1583-1645) and Hobbes (1588-1679), from the Western world, provide thoughtful philosophical-moral insights. For Vitoria, humankind constituted a universal community, a great society governed by such natural laws as those of mutual

consideration and assistance. States also formed a society of their own by means of agreed conventions, and interacted within it as equals.

Grotius stressed only on a society of states, largely based on nothing more than “mutual consent” and governed by collectively agreed-upon rules and practices which he called the law of nations. For Hobbes, there was neither a universal human community nor a society of states. States were sovereign and self-sufficient moral communities...and bound only by such agreements as they had voluntarily entered into and even these were “mere words” to be abided by only when doing so suited the state’s interests. Hobbes’ views prevailed in practice, giving rise to the statist view of international relations.²

We need to recall that the concept of state sovereignty—the organizing principle of the international system—goes back to two Compacts: the Peace of Ausburg (1555) that empowered a ruler to decide upon his country’s religion and the Treaty of Westphalia (1648) which permitted a ruler to govern as he or she wished, free from interference by other states and rulers. Many centuries on, sovereignty today continues to imply “internationally recognized independent and, most importantly, effectively governed states... accountable for threats (that emerge) from their territory”.³

But sovereignty was never absolute. During the Cold War, the United States and the Soviet Union violated this principle in many instances, even when these took place within their tacitly agreed spheres of influence. In recent decades, Kuwait and Iraq (1991), Somalia (1992-1995), Haiti (1994), Rwanda (1994), East Timor (1995), Serbia (1999), Afghanistan (2001), Iraq (2003) and Libya (2011), to name a few, also witnessed transgressions of sovereignty.

As in world history, the contemporary international system too exhibits sharp power asymmetries. Strong states—with their economic, military and technological critical mass—dominate and brook no challenge to their sovereignty. In contrast, nearly half the developing world, comprises relatively weaker post-colonial states, unable (or sometimes unwilling) to follow norms of international law, which render them vulnerable to external interference. There is need to appreciate, as Jean Bricmont justifiably avers, “that the major event

of the 20th Century was neither the rise and fall of fascism, nor the history of communism, but decolonization... this process freed hundreds of millions of people from one of the most brutal forms of oppression”.⁴ That these decolonized states have over time adopted a range of political models and systems to suit their specific conditions for socio-economic development is a reality modern developed states, with their strong institutions of governance, need to recognize. For did not these states follow similar templates at their equivalent stages of growth and evolution?

A question that arises is why should the established sovereignty construct be facing interrogation? Perhaps this is because ill-governed near-failed states, notably in Asia and Africa, experience internal upheavals that emanate from civil wars, religious extremism, secessionist movements and international terrorism that seriously impact the safety of innocent civilians and their right to life. These occur because states and societies willfully disregard citizen aspirations and ethical expectations. Some of these Asian states are nuclear armed and under this ‘umbrella’ adopt international terrorism, including its invidious trans-national variety, as state policy that poses an even greater challenge to international and regional peace, and security [specifically Asia].⁵

We also need to recognise that ‘Sovereignty as responsibility’ has increasingly begun to conceptually serve as the basic threshold of acceptable international citizenship. Richard Falk makes an interesting point: “sovereignty only confers a primary competence upon a nation, it is not, and never was, an exclusive competence”.⁶ The 2001 Report of the International Commission on Intervention and State Sovereignty (ICISS) (2001) that addressed *Responsibility to Protect* also posited a set of conditional as opposed to absolute rights making for sovereignty as the “minimum content of good international citizenship”.⁷ This led to the World Summit Outcome Document in 2005 in which the Report of the UN Secretary General’s 15-member High Level Panel on *Challenges, Threats and Change*, released a year earlier, was a substantial input. Significantly, the Panel, with a good representation from the Asian region, categorically endorsed the emerging norm...

that there is a collective responsibility to protect, exercisable by the UNSC

authorizing military intervention as a last resort, in the event of genocide and other large scale killing, ethnic cleansing or serious violation of international humanitarian law which sovereign governments have proved powerless or unwilling to prevent.⁸

Francis M Deng, at one time Special Representative of UN Secretary General on internally displaced persons, is said to have been the first to use the phrase ‘sovereignty as responsibility’, developing it into a doctrine stipulating that when states cannot provide protection for their populations, they must request and accept outside offers of aid”.⁹ But the question arises as to how would a state take such an initiative when it indulges in mass atrocity crimes against its own people? In such contingencies it becomes incumbent on the international community to intervene to save large-scale loss of lives among the targeted citizenry.

Protection of Citizenry

In conflicts within a state, during its endeavors to control the situation and restore peace, it is enjoined upon to respect international human rights laws and treaty obligations regardless of its political model. As elucidated in the foregoing, this is the essence of sovereignty as responsibility. It would be useful to recall that UN’s early years’ Resolution 96 (I) of December 11, 1946—while addressing the worst form of humanitarian crisis—affirmed that genocide was a crime under international law. The 2005 UN World Summit Outcome Document (Para 140) reaffirmed this to declare: “we fully support the mission of the Special Advisor of the Secretary General on the Prevention of Genocide”.

Relationally, we find that even the established concept of national security has today acquired a widely-accepted human-centricity dimension, more so in Asia’s developing states. We observe that while the “state has for centuries been the sole referent of security, today, the individual and family and civil society, have joined it in a matrix in which human security is perceived to becoming a co-equal of national security.”¹⁰ Consequently, in cases of widespread suffering and casualties among a state’s citizenry and massive violation of human rights or international law, the universality of response of the international community

must not be allowed to be diluted. Because the right to hold individuals responsible and accountable, and the thrust towards international humanitarianism constitute a part of what has been termed ‘cosmopolitan ideology’. In fact the concepts of ‘human security’, ‘comprehensive security’ and ‘cooperative security’ also resonated first in the Asia Pacific region.

Simultaneously, “the spatial reach of the international community [through availability of advanced technology and the overpowering reach of the national and international media] is leading towards the construction of an international moral solidarity against infringement of individual rights”.¹¹ The phenomenal increase in public use of social and individual media for real time on-line exchanges further exacerbates this trend. But technology could be a double-edged weapon. Like in many facets of human life, the march of technology tends to leave behind the laws and institutions to regulate the processes and outcomes technology makes possible. This constitutes a continual challenge for humankind.

Viewed pragmatically, it is evident that any international impulses based on the moral imperative must recognize that political power is still concentrated at the level of the sovereign state which in turn could be vulnerable to the consequences of the vital national interests of more powerful states. We have witnessed this in the continuing catastrophic civil war in Syria that has led to over 25,000 deaths in the uprising. Chinmaya R Gharekhan has rightly averred that “four separate but simultaneous wars are being fought in Syria: civil war; two proxy wars, one of which is against Iran [the other involving Russia-China against the US]; a regional war involving practically every country in the area; and a sectarian war between Sunnis and Shias.”¹² Why has R2P not been a success in the Syrian case? Perhaps the West’s liberal-humanitarian impulses of R2P have been trumped by geopolitics, electoral considerations, euro-zone crisis and, more importantly, the conviction that an intervention in Syria has extremely limited prospects of success. Clearly, the “civil war is headed for a long stalemate: the regime cannot crush the opposition and the rebels cannot topple the regime.”

A gamut of scholarship shows that the prevalent international environment

is characterized by responses of states to global and regional developments being steered by national-interest driven, issue-based and function-specific considerations. Even in such a milieu there is immense scope for cooperation, in responding to big-ticket global challenges posed by international terrorism, nuclear non-proliferation, energy security and the adverse impact of environmental change. But there is perhaps an even greater requirement for developed states to adopt a far more cooperative approach, greater sensitivity and acute understanding towards developing states which face internal conflicts—many of these states would invariably be non-democratic. Perhaps preventive diplomacy in such cases may prove to be a useful instrument.

One need hardly underscore that the much-acclaimed export of democracy is *non sequitur*, because democracy is best worked through practice. Perhaps provision of assistance to states that are inclined to take the democratic route to nation- and state-building could constitute an indirect long-term means of protecting citizenry, because democracy impels citizenry to look inwards and inhibits temptations to generate negative outflows. This would also serve to move states in a direction in which temptations to pursue more democratic foreign policies would be difficult to resist.

In considering the human rights-intervention dyad, it needs to be underscored that allowing human rights to serve as a rationale for military intervention could open the floodgates to many conflicts. A greater sense of history, and a more innovative and constructive approach on the part of the developed world towards ordinary human rights violations is perhaps warranted. These do take place in states, with underdeveloped institutions of governance, where nation-building is still work-in-progress and which the state can be expected to set right in due course. The example of the Kingdom of Bhutan is instructive in this regard. For years the state reportedly suppressed the majority Nepalese population without a demur from the international community, inclusive of India. Enlightened leadership, passage of time and institutional safe-guards cured the ills affecting the body-politic. Today there is no suppression: Bhutan has moved on! Many other instances could be cited in this regard.

Is Humanitarian Intervention the Silver Bullet?

If the internal crisis in a state assumes grave proportions and the scale and magnitude of human suffering and casualties are well above the threshold of acceptable tolerance, the legitimacy of international humanitarian intervention would be undeniable. But many questions arise: what are the implications in terms of international law? Who determines that R2P has been disregarded? Who has the right to intervene and rebuild? What is the role of the UNSC? The devil, as is often said, lies in the detail.

It may perhaps be useful to provide at the outset a broadly-accepted definition of what constitutes a humanitarian intervention:

Coercive action by states, involving the application of military force in another state without the consent of its government, with or without the authorization of the UNSC, for the purpose of preventing widespread suffering and casualties among its citizenry, and putting an end to gross and massive violation of human rights or international humanitarian law.

As stated earlier, Article 2 (4) of the UN Charter prohibits violation of a state's sovereignty and interference in its internal affairs, prompting many in Asia, notably India and China, to argue that the emergence of humanitarian intervention poses a severe challenge to the principle of sovereignty, and is thus illegal. The only exception is an extant crisis within a state that threatens international peace and security when the UNSC can authorize employment of force under Chapter VII. But, crucially, it cannot authorize military action purely on account of human rights violations, upheaval due to secessionist movements and civil war and the like.

While customary law upholds the protection of the individual by the state in safety, security and well being, we also observe that the principle of humanitarian intervention emanated from the Western thought of individual rights, and access to basic needs of life like food and shelter. But, as has been stated, the contrarian trend of delivering "relief supplies, and establishing a rule of law to safeguard the rights of people victimized by conflict, can itself become a

magnet for increased violence and [even] greater victimization of the local population, or even a source of violence contributing to such victimization”.¹³

A linked question of import here is that interventions have historically been the preserve of major global players. Power asymmetries in the contemporary system also make for the reality that ‘weak’ states—despite their sovereign rights—may have no alternative but submit to the power of the strong represented by military force and their will to employ it. The world witnessed the US-NATO combine undertake a (militarily brilliant and successful) 78-day air campaign against Serbia (1999), and later prosecute the war in Iraq (2003). Both were geo-strategically driven—the Serbian case being a counter-Russian action while the Iraq intervention was on account of the West’s obsession with the ‘smell of oil’. And both campaigns were undertaken without UNSC sanction, and in violation of the UN Charter. The former was termed a ‘humanitarian action’ even as George Bush described the Iraq War as being an act of “self defence”. These two campaigns along with the earlier woefully inadequate international response to the genocide in Rwanda in April-July 1994 that killed 7, 50,000 to 1 million people, went on to create damaging divisions within the international community about the conditions under which force could be employed for humanitarian objectives. But on one issue there seems no doubt: it was the genocide in Rwanda that stirred the conscience of humankind and gave rise to what came to be known as R2P.

Few great powers exhibit consistency in their policies on intervention as these are invariably shaped by national interest and domestic policies. It would be useful to recall how the West and the majority of UN members opposed India’s humanitarian intervention in East Pakistan in 1971 (that may have subsequently acquired geo-strategic traction), but supported the genocidal Khmer Rouge regime in Cambodia (which reportedly killed 3 million people), against Vietnam’s military action for regime change there in 1978. The case of South Africa provides yet another example: the West protected the apartheid regime there against any intervention well into the 1980’s, while India, in contrast, actively pursued a policy of intervention.¹⁴

One of America’s greatest policy errors in contemporary history was the

creation, financing, equipping and training of the extremist- religious, medieval-oriented and narcotics-warlord dominated Taliban force in Afghanistan and Pakistan, in collaboration with the latter, during early 1980's to defeat the Soviets. Following a triumphant success that marked the beginning of the Soviet Union's implosion in 1991, the US abandoned Afghanistan to be ravaged internally by the same Taliban, committing the grossest human rights violations. The US has tried to militarily prevail over 'its own creation' for over a decade since 9/11 but without any success.

Unsurprisingly, it is evident that a sense of caution and restraint has emerged in Washington and other Western capitals with regard to interventions which could be termed geo-political wolf in sheep's clothing. The US dilemma could be ascribed to two reasons: for one, the misadventures in Afghanistan and Iraq that have imposed costs in human and material terms; and for another, the perceived overwhelming need to limit its already-diminishing role and conserve energy. It is noteworthy that Washington was deeply divided in defining its response to the Libyan crisis of 2011 apprehending another quagmire in the Muslim world. That is why the so-described Obama Doctrine on interventions is said to insist on preconditions such as UN support, sufficient moral and national security justification and the readiness of others to share the burden of interventions. Strong reservations were, and are, openly expressed in the North American and European debates over the use of force to secure humanitarian objectives in general and Libya, as also the current Syrian imbroglio, in particular.¹⁵

As for India, like other major players in the Asia-Pacific region, intervention or non-intervention is not a high principle of foreign policy. India has over time demonstrated a general diffidence on the question of intervention related to internal affairs of other states. In the absence of a measure of consistency, India has appeared ambivalent: opposed some interventions or acquiesced in others. Its response has invariably been a function of the specific situation, nature of internal crisis in the state, national-interest driven *realpolitik* and domestic opinion.

India intervened in East Pakistan (1971) on humanitarian considerations¹⁶,

Sri Lanka (1987-90) to help bring about internal peace, and Maldives (1988) to assist in restoring to power a legitimate government, confronting a grave internal crisis. The conclusion one can draw is that India's policy matrices on intervention are drawn from the impulses of its strategic culture that favours constructive engagement based on a consensual approach to management of crises. Some Indian commentators have described Indian strategic culture as combining the three streams of Nehruvianism (oriented towards understanding and cooperative security), neo-liberalism and hyper-realism.¹⁷

One issue on which India has taken a consistent stand is that R2P is the foremost responsibility of every state. A statement at the UN on July 24, 2009 by Ambassador Hardeep Puri, India's Permanent Representative, [which generally represents the consensus of India's think tank and academic community], provides a highly realistic policy insight:

Willingness to take Chapter VII measures can only be on a case- by- case basis and in cooperation with a specific proviso that such action should only be taken when peaceful means are inadequate and national authorities manifestly fail in discharging their duty.....we do not live in an ideal world and therefore need to be cognizant that creation of new norms should at the same time completely safeguard against their misuse. In this context, responsibility to protect should in no way provide a pretext for humanitarian intervention or unilateral action.....even a cursory examination of reasons for non-action by the UN, specially the Security Council, reveals that in respect of the tragic events that were witnessed by the entire world, non-action was not due to lack of warning, resources or the barrier of state sovereignty, but because of strategic, political or economic considerations of those on whom the present international architecture had placed the onus to act. *The key aspect therefore is to address the issue of willingness to act, in which context a necessary ingredient is real reform of the decision making bodies in the UN like the Security Council in its permanent membership* [emphasis added].¹⁸

In the case of other major and regional players as well, their national interests trump all other considerations. We witnessed how in the 2011 vote on UNSC Resolution 1973 authorizing employment of force in Libya, Germany

broke ranks with the West and joined India, China, Russia and Brazil to express reservation against an intervention and abstained from it. While the military success in Libya did serve to reignite the ‘humanitarian’ impulse for the international community to fight for values against barbarianism, it did not translate into an intervention in the ongoing internal upheaval in Syria due to geopolitical and cost-benefit considerations.

If the Arab Spring-type internal disorder occurs elsewhere and R2P is not or cannot be exercised, how should the international community respond? Even more important is the question as to how the R2P can be implemented? The 2005 World Summit Outcome Document, Article 138, re-endorses the established responsibility of a sovereign state to protect its population from four specific crimes: genocide, crimes against humanity, war crimes and ethnic cleansing. Article 139 endows the international community with the responsibility to take collective action when national authorities of a state manifestly fail to protect its population from these crimes.¹⁹

The UN Secretary General’s Report on Implementing the R2P—based on an agreement between member states—rests on three equally important but non-sequential pillars. Pillar One is an endorsement of the aforementioned Article 138 of the 2005 World Summit Outcome Document. Pillar Two calls on the international community (acting through the UN system and partner organizations) to help states to build the capacities to fulfill these responsibilities. Pillar Three specifies if the state in question fails to protect its population from the four crimes spelt out, the international community has the responsibility to take timely and decisive action through diplomatic and humanitarian means, and if that fails, other more forceful means in a manner consistent with Chapters, VI (peaceful means), VII (enforcement measures) and VIII (regional arrangements) of the UN Charter.²⁰

The concept of creation of rapidly-deployable standing capacity comprising a tri-service military force at the regional level for short-notice deployment both inside and beyond the region may be an idea worth pursuing. Such a force could have a dual-task charter to also address humanitarian assistance and disaster relief missions, and be in accord with Chapter VIII of the UN Charter. Such a

need for timely first responder missions in humanitarian crises hardly merits emphasis as extended deployment timelines could lead to far larger casualties.

It would thus be observed that instances of humanitarian interventions, in the years ahead, would witness a marked decline due to a variety of reasons not least due to a trend of caution and restraint in the West and general diffidence on the part of India, China and other major players in Asia to support and adopt this course. But should interventions be perceived as necessary, in rare cases, their outcomes would be a function of locale, gravity of humanitarian crisis, postures of global and regional players and—most importantly—probability of success.

Role of the United Nations

The primary function of the UN, as stipulated in Article 1 of its Charter, is “to maintain international peace and security”. Envisaging greater reliance on preventive diplomacy to address pacific settlement of disputes under Chapter VI, resort to force was to be regularised in the form of UNSC operating under Chapter VII. We saw how the UN failed to prevent and halt the humanitarian crisis in Rwanda during 1994 and in Darfur in recent years. In East Timor (1999), “the UN-sanctioned intervention force came only after the worst of violence was over and World Bank and IMF loans to Indonesia were withdrawn”.²¹ The UN also remained ineffective during the invasion of Iraq (2003). Thus, the elaborate provisions of Chapters VI and VII have produced mixed results in over six and a half decades. Peace-keeping has been an invention of the UN, and is often perceived to be undertaken under what is termed Chapter six and half, and in multifarious ways, reflects its place between preventive diplomacy or conflict prevention and employment of force. When major powers undertake interventions, they invariably follow these up with the induction of peace-keeping forces, under the aegis of the UN, to provide their actions a measure of legitimacy. Past cases of Kosovo and Sierra Leone serve as instances. But the UNSC still appears to prefer to do so in the peace-keeping mode, as its past practices in Liberia and the early stages of the conflicts in Somalia and the former Yugoslavia indicated.

There is, however, a contra-perspective on the UN's low success rate in the resolution of disputes, and perceptual reservations on its willingness and ability to take an objective position. Shorn of the strategic and geo-political interests of major powers, these serve as a major disincentive for states that seek pacific settlement of disputes. A related question of import is that in intra-state conflicts also, the UN's track record has been disappointing, perhaps because the US and the Soviet Union intervened in quite a few of them directly, Vietnam, Afghanistan and the Horn of Africa, to name a few. Given that people's aspirations in Asia, Africa and Latin America, are rising far out of proportion to the states' ability to deliver public goods and effective governance, intra-state turbulence is unlikely to get attenuated. The adverse consequences of globalisation, exacerbation of inequalities and growing marginalisation of the disadvantaged and the associated social tensions—central to the mission of the UN—pose a threat to global peace and security. This trend persists even as efforts to whittle away the socio-economic mandate of the UN continue apace. Perhaps revitalising the UN to help it assist in meeting these challenges is justified in the context of the extant paradigm of comprehensive security.

In UN peace operations, more effective conflict prevention strategies, improved wherewithal for peace-keeping, including the troops capabilities to defend themselves along with robust rules of engagement, would prevent failures, as in Rwanda and Srebrenica, from taking place. The Panel on Peace Operations, in its report released on August 23, 2000, had recommended wide-ranging measures for peace-keeping reform, most of which have been implemented. But this is said to be work in progress, as any major changes in the peace-keeping role of the UN would need acceptance by the member states from the political, financial and operational angles.

Looking at restructuring of the UN in consonance with evolving challenges, UNSC reform is an idea whose time has come. Its composition reflects the political realities of 1945, being oblivious of the ongoing and prospective game-changing global power shift, and the legitimacy of its decisions. Doubtless, India, Japan, Germany, South Africa, Brazil and others would have to be included among the veto-wielding permanent members. Even when this is achieved, and UNSC permanent veto-wielding membership increases from five to say ten,

Europe, with 9 per cent of the world's population would have four representatives (France, Germany, Russia and the UK). In contrast, Asia, with 60 per cent of the world's population, sharply enhancing economic-technological-military capabilities and greater likelihood of conflicts, may have no more than three seats (China, Japan and India). In terms of the current and future power trajectory, Asia must have a commensurate say. This would not only ensure a more representative and holistic consideration of key issues and consequences for UNSC decision-making, but also reflect a conception of humanitarian intervention that is more universal, non-Western-centric and farthest removed from what is termed the colonial logic of the 'white man's burden.

Concluding Words

A state's sovereignty and non-interference in its internal affairs endure as two cardinal principles of the international system. But today, the concept of sovereignty as a responsibility has acquired certain traction. For should people internally confront genocide, crimes against humanity, war crimes and ethnic cleansing, the 2005 UNGA Declaration morally empowers the international community with the R2P, through employment of force, though it has no legal sanction, because under the UN Charter only the Security Council can sanction employment of force. It is noteworthy that the established concept of national security has acquired a far greater human-centricity, a trend that is more manifest in the developing states of Asia.

Mega trends in the international system include: game-changing power-shift to Asia leading it to shoulder greater responsibilities; states' policy responses being generally non-ideological, issue-based and function-specific; need for far greater cooperation between states to resolve global and regional challenges; and, higher probability of intra-state conflicts ironically facing caution, restraint and diffidence in both the West and Asian countries towards interventions.

When interventions are inevitable, the national interests of major and regional powers would tend to trump all other considerations. Thus, creation of new norms of R2P should not lead to misuse and provide a pretext for unilateral

actions. For the UNSC to serve as an effective instrument of mandating and monitoring interventions, it needs to be more representative of developing power equations in the world for which purpose its reform is long overdue.

The UN Secretary General's three-pillar approach on implementation of the R2P could serve as a pragmatic template. Perhaps the creation of a standing rapidly-deployable tri-service military capacity at the regional level, despite the difficulties it would pose could be considered. In sum, for interventions perceived by the international community as necessary, their outcomes would be a function of locale, gravity of the humanitarian crisis, geopolitical interests and postures of global and regional players and most of all probability of success.

End Notes

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