

# Human Rights Approach to Indian Foreign Policy

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**Abstract:** *The concept of human rights has brought about a profound change in the foreign policy priorities of several nation-states. States have been ready to use human rights rhetoric in foreign policy statements and less often to act in ways consonant with those policies. They appropriate the concept of human rights and bent it to serve their own needs. Each state has developed a distinct approach to human rights in its foreign policy. India being the world's largest democracy and also a strong votary of democratic values and ethics, there is hardly any scholarly treatment of the impact of human rights on India's foreign policy. This article reflects on how the practices of the Indian state can nuance our understanding of the foreign policy priorities with special regard to human rights.*

**Keywords:** Human Rights, Foreign Policy, Indian Foreign Policy.

“It has always been a mystery to me how men can feel themselves honoured by the humiliation of their fellow beings.”  
Mahatma Gandhi

## I. INTRODUCTION

Globalisation of human rights with the modern concept of a global village has resulted in the human rights situation anywhere in the world becoming a matter of everybody's concern. Hence, the concept of human rights has brought about a profound change in the foreign policy priorities of several nation-states. However this has proved to be a double-edged sword. States have been ready to use human rights rhetoric in foreign policy statements and less often to act in ways consonant with those policies. They have also appropriated the concept of human rights and bent it to serve their own needs. It was rightly observed by the Secretary General of the United Nations (UN) in his Annual Report in 1975-76 that, the reconciliation of the principle of national sovereignty with the ideals expressed in the Universal Declaration of Human Rights (UDHR) will inevitably remain a complex and delicate problem for the fact is that governments view issues of human rights in different ways. Thus, each state has a distinct approach to human rights in its foreign policy. India being the world's largest democracy and also a strong votary of democratic values and ethics, there is hardly any scholarly treatment of the impact of human rights on India's foreign policy. This article reflects on how the practices of the Indian state can nuance our understanding of the foreign policy priorities with special regard to the human rights issues. Hence this article takes on a prior task of exploring the theoretical position of human rights in foreign policy discourse in general and then examines the Indian foreign policy priorities.

## II. HUMAN RIGHTS AND FOREIGN POLICY PRIORITIES

The position of human rights in foreign policy has always been a contested issue in international relations. History shows that the prominence given to human rights in foreign policy debates has tended to vary depending upon the particular paradigm under consideration. The concept of human rights may officially be embraced by many nation-states yet it is interpreted differently according to their convenience. Some states insist the primacy of economic rights while others proclaim their adherence to civil and political rights; even though they violate these rights in the name of national security. This kind of inconsistency in the advocacy and practice of human rights oriented foreign policy is possibly due to the contradictions prevail in the choices available to the decision making elite. These contradictions may broadly be summarised as follows: contradiction between human rights and national sovereignty (whether or not to elevate human rights over state sovereignty?); contradiction between human rights and advantages of international trade (whether or not to privilege human rights concerns in foreign countries over the advantages of carrying trade with those

countries?); and contradiction between human rights and national strategic concerns (whether or not to give priority to demands for the protection of human rights abroad over national strategic concerns at home?).

However, every state offers a general platitude on lofty principles that may not be squared with its actual practice on the endorsement of human rights in foreign policy.<sup>1</sup> This is fairly a common characteristic of any nation-state, as they do not like to be isolated from other nation-states in the international system.<sup>2</sup> But as a general practice all the nation-states try to reconcile at least three competing priorities in shaping their foreign policy: national security, economic viability and moral authority. Each of these three dimensions of foreign policy typically has a separate and conflicting logic of its own. Security issues are often seen in realist terms, assuming a world of anarchy and the inevitability of zero-sum games (e.g., one can gain only at others expense). Economic problems are usually addressed from positive-sum game perspective, taking opportunities in interdependence and mutual benefit, over how the benefits are to be shared (e.g., both gain; but each will try to get the bigger share). Moral questions are typically perceived in terms of absolutist alternatives (e.g., good vs evil). These three dimensions seem to represent a rough hierarchy of foreign policy priorities: first security, then economics and finally questions of morality.<sup>3</sup>

If the state is threatened, national security takes precedence; economic policy is reshaped to support national defence, and moral debate tends to be suspended for the national emergency. When there is no perceived threat to state security, then economic priorities take precedence. Finally, moral issues are most likely to receive priority in those states, which perceive no military threat from any other state and which are economically well off. Though, this is not necessarily the hierarchy of foreign policy priorities that a state might prefer; it is presented here as a general approximation of what seems to happen in response to changing world events.

Therefore human rights cannot be treated in isolation with security and economic perspectives. In order to implement an effective and sustainable human rights policy, it must be designed in a way to complement security and economic concerns. Especially when considering that each of the three core dimensions of foreign policy is customarily treated in terms of separate logic, human rights like any moral priority in a foreign policy must be considered in terms of a broad concept of national interest.

### III. HUMAN RIGHTS AND INDIAN FOREIGN POLICY

To a great extent Indian foreign policy with regard to human rights is bound up with its version of self determination and peaceful coexistence of nations. However, to understand the interpretation of human rights in Indian foreign policy, it is crucial to understand India's stand at two levels, i.e., at normative and pragmatic levels.

#### 3.1 India and Human Rights Regimes

India is the largest democratic country in the world with free media and an independent judiciary. Owing to its historical encumbrances India tried to reconcile the principle of national sovereignty with the concept of human rights. Indian contribution to the normative development of human rights in international arena is acclaimed. The important factor in the normative development of human rights is the UN General Assembly's declaration on the right to development which was warmly supported by India. The Declaration points out that the human person is the central subject of development and should be the active participant and beneficiary of the right to development. Since then India played a very active role in the UN Trusteeship Council, the General Assembly, and Assembly's Decolonisation Committee and even in the visiting missions dispatched by the Trusteeship Council. India took active part in drafting of the UDHR, Dr. Hansa Mehta a Gandhian political activist and social worker who led the Indian delegation, had made important contributions in drafting of the Declaration, especially highlighting the need for reflecting gender equality. Mark Mazower and Manu Bhagavan have appropriately opined that India was far more influential in shaping the UN's

1 Indian foreign minister SM Krishna in a meeting at United Nations on 11 February 2011 mistakenly began to read out the official statement of his counterpart from Portugal which took three minutes to recognise the error, is the classic example on how platitudinous and formulaic many such texts are.

2 Hathaway, Oona A. "Why Do Countries Commit to Human Rights Treaties?" *The Journal of Conflict Resolution*, Vol. 51, No. 4 (August, 2007): pp. 588-621.

3 Satyanarayana, Putta V. V. "Human Rights Issues and Foreign Policy Priorities: A Study of Chinese and Indian Foreign Policies." *Defence and Technology* Vol II, No. 18 (November 2003): pp. 48-53.

1948 Universal Declaration of Human Rights than has been acknowledged.<sup>4</sup> As the General Assembly took up the drafting of a treaty to elaborate UDHR in fifties, India took the lead in contending that the balanced development of human personality is a cumulative function of civil and political rights as well as economic, social and cultural rights. India had participated actively in the deliberations of the Ad Hoc

Committee of the UN General Assembly on finalisation of a Convention on the Rights of the Persons with Disabilities. India realised that human rights issues in most of the developing countries are related to the fundamental problems of development that these countries are facing like poverty, overpopulation, illiteracy and scarcity of resources. Implementation of human rights in these countries, therefore, calls for a holistic approach involving a proper balance between civil and political rights and economic, social and cultural rights. Therefore India's human rights concern on international arena has been largely on the group rights and that too chiefly bearing upon economic, social and cultural rights. India made it clear that the standards of implementation of the two sets of human rights had to be different. The intense negotiations in a decade and a half finally completed in the adoption of an International Covenant on Civil and Political Rights and another on Economic, Social and Cultural Rights in 1966. The inclusion of common article, i.e., article 1 of the two covenants that proclaiming the right to self-determination of all people, and their exclusive sovereignty over their natural resources, has been an achievement of India along with other Third World countries.

At the domestic level, India's status of human rights is fairly high under its constitution which contains provisions for fundamental rights and empowers the judiciary to enforce these rights and guide the state authorities to respect the people's rights. Part IV of the constitution directs the state to apply policies and principles in governance of the country so as to enhance the prospects of social and economic justice. Article 43 directs the state to secure for workers a living wage, decent standard of life and social and cultural opportunities. The Indian parliament has adopted, in December 1993, the Protection of Human Rights Act, making possible the establishment of the National Human Rights Commission (NHRC). The jurisdiction of the NHRC is extended to the military personnel of the country even though they are governed by certain other acts which assigns them special authority and responsibilities to fight terrorism and communalism under extremely adverse circumstances to aid civil administration.

### **3.2 India in Support of Human Rights.**

The structure of global politics has played a vital role in determining the ascendancy of the concept of human rights on Indian foreign policy in practice. Endorsement of human rights in Indian foreign policy has got a distinct logic during the cold war and post-cold war periods. Just after independence India had to confront both the bipolar reality of the cold war and the new wave of decolonisation and anti-imperialism. This period can be characterised as a constant compromise between ideological legacies of India's independence movement, the consequent penchant for democratic politics and institutions on one hand, and the need for India's security and survival on the other. During this period India supported the cause of national liberation struggles in Asia and Africa as part of its campaign for human rights. It has actively participated for action to combat racism and racial discrimination in South Africa. India was in fact the first country to raise the question of racial discrimination in South Africa in 1946. Indian Prime Minister Jawaharlal Nehru stated that "racialism has become state doctrine in South Africa, if it is going to be tolerated it must inevitably lead to vast conflicts and world disaster." After that India actively participated for action to combat racism and racial discrimination in South Africa. India played a significant role in the establishment of the UN fund for South Africa (1965) and the UN Educational and Training Programme for Southern Africa (1967). It has also combined its efforts with the African countries in seeking mandatory sanctions against South Africa under apartheid government. At this point of time, as Mark Mazower and Manu Bhagavan have exposed separately, India would prove a vocal critic of efforts by Western powers, including the United States, to shield apartheid-era in South Africa from scrutiny on human-rights grounds.<sup>5</sup> It was at India's initiative that the AFRICA (Action for Resistance to Invasion, Colonialism and Apartheid) Fund was set up at the 8th NAM Summit in Harare in 1986.

<sup>4</sup> Mazower, Mark. *No Enchanted Place: The End of Empire and the Ideological Origins*. Princeton: Princeton University Press, 2009. And Bhagavan, Manu. "A New Hope: India, the United Nations and the Making of the Universal Declaration of Human Rights." *Modern Asian Studies*, no. 44 (March 2010): pp: 311–347.

<sup>5</sup> Ibid.

India has been especially astute about respecting human rights when dealing with its immediate neighbours. Long before humanitarian intervention became the international fashion, India chose to intervene in East Pakistan in 1971 to end genocide committed there by the Pakistani army. This is regarded as one of the world's most successful cases of humanitarian intervention against genocide. India's successful creation of Bangladesh occurred in the face of UN and US opposition. India also intervened, although unsuccessfully, in Sri Lanka in the late 1980s to defend the territorial integrity of Sri Lanka and to protect the rights of the Tamil minority there. In the wake of the 1988 coup by the Burmese army, India was a strong and perhaps the only supporter of the democracy movement. Aung San Suu Kyi, the interned leader of the movement for restoration of democracy, had a huge number of admirers in India, often at the very highest levels of government.

However, this policy of support and intervention to protect freedom and human rights is fastidious. India has adapted a discrete approach related to the disputes about democratic rights in which the Third World countries are involved and towards those independent countries where democratic governments have been replaced by oppressive regimes. India appears to proclaim that it has recognised a distinction between situations at gross and persistent violation of human rights, and those of a lesser intensity as a yardstick to determine whether the situation of human rights violence has reached the threshold point, where the international community can legitimately intervene. This way India seems to apply the doctrine of domestic jurisdiction and ignore the demise of democracy and *populus* freedom in the countries like Idi Amin's Uganda and Nigeria. India's mute response to Hungary (1956) and Czechoslovakia (1968) Afghanistan (1979) crisis can be understood in this context.

Thus India's selective interventionist attitude regarding human rights had two distinctive elements during the cold war period. At the global level, it sought to oppose interventions by the great powers that could set the precedent for potential interventions against itself. Within its own neighbourhood, however, India's policy mirrored those of great powers choosing to intervene when its interests demanded so. This duality was reflected in India's discrete treatment of human rights in its own neighbouring countries and countries faraway.

These circumstances have, however, changed dramatically after the end of cold war. During this period a normative discourse has entered the parlance of strategic thought where decisions have to be supported by the idioms of democratic values and human rights. Human rights, in other words, has become a vehicle for the advancement of strategic interests. Hence promotion of human rights has reached its crescendo and the ideology of spreading democracy and safeguarding human rights has taken a hyper-masculine *avatar*, which is evident in the rising number of humanitarian interventions in the post cold war period. On the other hand many developed countries are using the human rights issues to pursue their trade interests in the form of import restrictions on developing countries. Even economic aid is now being linked with the recipient nation's track record on human rights by western countries.

This has brought about an important transition in India's world view. The structural change in India's world view, as explained by C. Raja Mohan, has five components: firstly, transition from the national consensus on building a "socialist society" to building a "modern capitalist" one; implicit in this is the second transition, from the past emphasis on politics to a new stress on economics in the making of foreign policy. Third transition is about the shift from being a leader of the "Third World" to the recognition of the potential that India could emerge as a great power in its own right. The fourth important transition is rejecting the "anti-Western" mode of thinking and the fifth transition in Indian foreign policy is from idealism to realism.<sup>6</sup> Thus Indian foreign policy strategy began to emphasize practical ways to achieve power and prosperity for India in post cold war era.

This change in India's world view has prompted New Delhi to open up to the world and economic growth rather than self sufficiency became the major driver for international relations. The realisation that foreign relations, energy policy and economic growth are linked has led to a new foreign policy strategy. Today New Delhi's priority is to protect India's economic growth and foreign policy has been harnessed to create linkages with those countries that could provide strategic and energy security. This is because India sees that the only way it can maintain its' current position on the global scale is through its growth.

<sup>6</sup> Mohan, C. Raja. "India's New Foreign Policy Strategy." Beijing: Draft paper presented at a Seminar in Beijing by China Reform Forum and the Carnegie Endowment for International Peace, 26 May 2006.

The changing attitude of New Delhi towards ruling military junta in Burma is the corroboration of this new foreign policy strategy. India was the active proponent of democracy in Burma during 1980s and early 1990s. As New Delhi saw Beijing rapidly expanding its political and strategic influence in the 1990s, India reversed its policy of hostility to the ruling military junta and began what it called a policy of constructive engagement. Though India came under intense international pressure to sign on to stricter sanctions against the Rangoon's ruling military junta after the Saffron Revolution in 2007 India refused to yield. And even when the military-backed Union Solidarity and Development Party predictably won more than 77% of the votes in the rigged national elections of November 2010 India has not voiced its concern.

Coming to Syrian case in August 2011 India along with Brazil and South Africa visited Syrian officials in Damascus, and asserted its commitment to Syria's sovereignty, condemned violence from all sides and encouraged President Assad to end violence and introduce political reforms. Therefore India abstained during a UN Security Council resolution in October 2011, resisting substantial Western pressure. Contrary to that India supported the draft UN Security Council resolution in February 2012 on Syria by expressing concern over the existing situation, condemning violence from all sides, and called for a peaceful and inclusive political process led by the Syrian people. In fact, the dramatic departure in India's habitual Syrian policy is because of the strong reaction from Arab states, increased Western pressure and growing realisation of India's energy interests in Gulf States.

Thus India's refusal to support the human rights plank when it came to Myanmar and employing it in the case of Syria are to be gazed in realist terms. In case of Myanmar, India had vital interests both in balancing Chinese influence in Myanmar and in garnering Myanmar's support to fight various Northeast Indian insurgent groups which had made bases across the India-Myanmar border. Similarly, supporting the UN Security Council resolution against the brutal Syrian regime was not dictated by human rights concerns but because India had essential interests to protect both among the Gulf Arab states and in Washington. Thus India's justification of its stand is a true reflection of India's typical attitude towards human rights versus strategic and economic interests - that human rights is less important than pursuing strategic and economic interests.

A few days later after the Syrian resolution, India exhibited a barely lukewarm response to the civil unrest in the tiny island country of Maldives. Then democratic president, Mohamed Nasheed, was ousted by coup at gunpoint. This is quite contrary to the 1988 *coup d'etat* against Maumoon Abdul Gayoom, which failed when India intervened. India's security and trade policies have possibly dictated the India's current stand on Maldives. Today, Maldives serves as an indispensable trading entrepôt with more than 80% of trade passing through the Indian Ocean finding way through Male. The Indian government is also in the process of basing two helicopters as part of a surveillance mission to anticipate security threats in the Indian Ocean region.

Coming to India's Sri Lankan policy, as evidence from WikiLeaks suggests, India has been at the forefront of shielding the Sinhalese-dominated Sri Lankan government from becoming a target of any international intervention under "responsibility to protect" (R2P) policy. This is contrary to the Indian policy towards East Pakistan in 1971, which is treated as the world's most successful case of humanitarian intervention against genocide. It is interesting to note that the support for the US-backed resolution against Sri Lanka burgeoned out of pressure brought about by the Tamil Nadu political party, Dravida Munnetra Kazhagam, which also happens to be a strong coalition ally of the ruling party in New Delhi.

Moreover, backing the resolution against Sri Lanka for human rights violation was inconsistent with India's subsequent treatment of arresting more than 250 protesters and placing large communities of Tibetans under house arrest just to ensure a protest-free stay for Chinese president, Hu Jintao during the BRICS Summit in New Delhi. Prior to these incidents India was actively involved in the issues of human rights within China, where even the United States is paying only lip service to the issue of human rights in China. In fact India granted political asylum to Tibetan spiritual leader Dalai Lama and became home for the world's largest concentration of Tibetan refugees. Hence the restraint order on the protesting Tibetans could have been more humane and tempered if the aim was purely to ensure safety for Hu Jintao's stay. But pleasing him despite of China's gross violation of human rights in Tibet shows that New Delhi gives priority to trade and economics to human rights policy.

India's response to the eruption of protests in Alexandria and Cairo also reflects the India's emblematic attitude towards the global promotion of human rights and democracy. The government initially had little to say apart from voicing

concern for its nationals residing in Egypt. As the remarkable demonstrations spread across the Middle East, the eventual statement of Prime Minister Manmohan Singh was notably cautious. "Let me say, if the people of Egypt want to move towards the processes of democratisation, they have our good wishes. And that's true of all countries", he said. "We do not believe it is our business to advise other countries, [but] we welcome the dawn of democracy everywhere."

#### IV. CONCLUSION

Studying foreign policy is a methodologically challenging enterprise. Policies may flow from circumstances as much as from ideas, as ultimately many contradictory pulls and pressures play a vital role in shaping any policy. This is particularly true in the case of India, where the discrepancy between its ideals and aspirations, coupled with deeply contentious domestic political scene, makes the articulation and pursuit of an idealistic foreign policy a most tricky business. Foreign policy is also an area where a nation's asserted image and the reality of its actions may be paradoxical. A country that claims to promote human rights may have a record of subverting it as well. And when a country chooses to promote (or not promote) human rights in a particular case it may be doing out of a simple calculation regarding economic and strategic outcome *vis-à-vis* human rights promotion. Then how does one can interpret India's behaviour? How does one weigh its words against its deeds?

At the time of independence in 1947, India was weak indeed—a deeply impoverished and divided country which was fighting its own demons. Internationally, India saw defending the sovereignty of the Third World against the new interventionism to protect human rights as more important. In such circumstances, the language of idealism, conflict avoidance, and norm-based international relations made a lot of sense. That is why India has aptly participated in the international norm building process on democracy and human rights throughout this period. But India demonstrated a selective attitude in following these norms particularly when dealing with its immediate neighbours. That is why one might say that India has loved the concept of human rights and democracy in word, but has been willing to treat it conditionally in deed. However, we can infer that India has recognised the threats arising from potential failed states in its own neighbourhood and found ways to generate positive internal change within those societies.

This attitude of a weak nation fearful of other powers undermining its sovereignty has given way to a more open consideration in the post cold war period with its rising economic and strategic position. Like great powers India started viewing international norms mainly as instruments for projecting its power and advancing its strategic and economic interests. Further fractious and contentious domestic politics coupled with difficulty in giving primacy to ideational interests *vis-à-vis* material interests along with the necessity of securing territorial integrity while achieving maximum strategic autonomy have constrained India from having any sort of fully "ideology-driven" foreign policy. Added to these conditions in the context of globalisation the dynamic Indian private sector, including the millions of Indians who work in places such as the USA and Middle East are determining how India orients itself toward the world beyond its borders. Thus the incongruity between India's normative orientation and pragmatic demeanour regarding human rights in its foreign policy makes the finest evidence that New Delhi has adapted the realist strand of thought and approaching international society in a highly strategic manner to secure its own trade and strategic interests.

To conclude the idea that drives Indian foreign policy at the moment, as Pratap Bhanu Mehta elucidated, is "cautious prudence." India is cautious of its own limited capacities and unwilling to use force, as humanitarian intervention is no insurance against the use of military force to protect human rights. It is cautious in accepting enduring alliances, unless it is driven by necessity. And it is cautious in recognizing a limit to its own ability to effect change elsewhere. India is a prudent power in the sense that its response is situational and not determined by any predetermined logic. New Delhi's decisions cuts through the distinction between ideas and material interests, which is an inoculation against excessive zeal of any kind in foreign policy.<sup>7</sup>

<sup>7</sup> Mehta, Pratap Bhanu. "Do New Democracies Support Democracy? Reluctant India." *Journal of Democracy* Vol. 22, no. No: 4 (October 2011): pp. 102-113

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