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CHAPTER

United Nations—Envisaged Role and Actual Record; Specialised UN Agencies—Aims and Functioning; and the Debate on need of UN Reforms and Case of India

After reading the chapter, the reader will be able to develop an analytical understanding on the following:

- Origin of UN
- Basic precepts of UN
- Concept of R2P Diplomacy
- India and R2P Diplomacy
- Key elements of India's multilateral diplomacy
- Indian intention to acquire a permanent membership seat of UNSC
- India's climate change diplomacy
- India and WTO Diplomacy

ORIGIN OF THE UN

The origin of the UN can be traced back to the period of enlightenment in the eighteenth century which inspired the concept of rationality in the conduct of international affairs. The manifestation of this rationality culminated in the birth of first, the League of Nations, and then of the UN much later. The age of enlightenment gave birth to modern liberal democratic nationalism and introduced concepts like democracy and international law. In the period preceding the eighteenth century, the international relations between states were based upon mutual treaties to maintain peace and force as an instrument was used only when any principle of a treaty was violated. The hierarchical imperial administrations maintained public order through dominance. As discussed in earlier sections, the Peace Conference of Westphalia in 1648 was the first instrument of modern times that established the idea of balance of power. The Westphalia Conference addressed issues related to the reorganisation of Europe after the conclusion of the Thirty Years War. The Peace of Westphalia was followed by another landmark event—the Vienna Conference in 1814–15, where the participants of the Conference aimed to serve peace to the world by organising regular meetings of the Great Powers. The Vienna Conference or the Concert of Europe ultimately established a peaceful Europe. It initiated the System of Congress in European affairs where consultation was used as a mechanism to resolve disruptive rises.

Though the Concert of Europe had helped in supporting international cooperation, yet the first World War caused a serious disorder to the existing system. At the end of the World War–I, the USA entered the club of the great powers. Woodrow Wilson, the President of USA, in his famous ‘Fourteen Points’ speech¹, envisaged the creation of a new body called the League of Nations. The basic aim of League was to strive for collective security and eliminate chances of a future war. The formation of the League as an international body made sense because there had been tremendous bloodshed during the World War–I and world leaders at the time were determined to establish a world organisation to prevent another conflict on the same scale. In 1919, at the Paris Peace conference, Wilson tried to include the clause detailing the establishment of the League of Nations as part of the Treaty of Versailles. The Covenant for the League of Nations finally came into force on 10th January, 1920 and the League held its first meeting in Geneva.



The USA, which had proposed the creation of the League in the first place, did not in the same as the USA Senate had refused to ratify the Treaty of Versailles. The entire cause of League of Nations got diluted because of the absence of the USA as a power in the League. Over a period of time, the League as a body became ineffective and inoperative. The Atlantic Charter of 1941 planted the seeds for a future global organisation for ‘general security’. In 1942, the foundational declaration of United Nations (UN) was announced. The term UN was coined for the first time by Franklin D. Roosevelt. The new organisation was envisaged under the Atlantic Charter and it advocated the idea of general security and not collective security as envisaged under the League of Nation. Roosevelt, Churchill and Stalin laid the foundation of the new body called United Nations (hereafter referred to the UN) at 4.50 pm on 24th October, 1945. A total of 51 original members (or founding members) joined that year. Fifty of them signed the Charter at the United Nations Conference on International Organisation in San Francisco on 26 June, 1945, while Poland, which was not represented at the conference, signed it on 15 October, 1945.



BASIC PRECEPTS OF THE UN

As mentioned in the previous section, the UN emerged as a second attempt by the world to create a new inter-governmental organisation (IGO) after the creation of League of Nations.



India is a founder member of the UN as it was one of the parties which signed the charter establishing the UN in 1945 in San Francisco. The UN presently consists of 193 sovereign member states that have equal representation in the UN General Assembly. The UN is the world's largest intergovernmental organisation, ahead of the Organisation of Islamic Cooperation. The UN can suspend a member if a member violates the UN charter. No country has ever been suspended from the UN till date. The UN has not achieved universality because Vatican City and Taiwan have not become members of the UN till date.

The criteria for admission of new members to the UN are set out in Chapter II, Article 4 of the UN Charter:

1. Membership in the United Nations is open to all peace-loving states which accept the obligations contained in the present Charter and, in the judgement of the Organisation, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

A recommendation for admission from the Security Council requires affirmative votes from at least nine of the council's fifteen members, with none of the five permanent members (see details on the next page) using their veto power. The Security Council's recommendation must then be approved in the General Assembly by a two-thirds majority vote.



The primary responsibility of the UN, which lies in maintaining global peace and security, rests with the Security Council (SC). The UNSC has five permanent members namely, USA, UK, France, Russia and China. The five permanent members have special voting rights. This special voting right, which they may also exercise against or for each member, is called Veto Power. Using a veto power, any of the five member states can defeat a decision. Abstention from a voting by a Permanent Member is not tantamount to the use of veto. While solving international disputes, the Security Council has the responsibility to take decisions. In order to maintain peace and security, the Security Council can setup fact finding missions, observation missions and may even advocate a case for mediation, conciliation and assistance.

CONCEPT OF RESPONSIBILITY TO PROTECT (R2P)

The functioning of the UNSC is not open to the public. The global community is apprised of the decisions of the UNSC through announcement of briefings. What goes into the

making of these decisions by the five permanent members is not disclosed. Knowing how UNSC takes decisions is crucial as it is the sole global body vested with the authority to determine if a threat to international security exists or not.

Indian diplomat Hardeep Puri asserts that at times, UNSC decisions have been perilous interventions causing more destabilisation in an already volatile situation. According to Puri, who has served as the Permanent Representative of the UN when India was elected to be a non-permanent member of the Security Council in 2011–12, the recent interventions in Syria and Libya have been perilous. Puri moreover insists that the perilous and unnecessary interventions in Iraq have led to the rise of non-state actors and terrorist groups like ISIS. Such interventions are largely made on the logic of ‘Responsibility to Protect’ (R2P) to prevent genocide and seek support at the humanitarian level.

Since the end of the Cold War, the idea of preventive diplomacy has emerged in the form of R2P. Some scholars who have analysed the R2P have developed a view that it’s a code that gives the international community unbridled powers that often lead to interference in the internal affairs of nation states. Such scholars feel that R2P could be a phenomenon that could potentially give rise to a new era of colonialism. The main idea of preventive diplomacy is to cure the conflicts before they emerge in their fiercest forms on the international scene. The term Preventive Diplomacy was used for the first time in 1960s by Dag Hammarskjöld, who was then the Secretary-General of the UN. He proposed that the basic idea of preventive diplomacy was to keep local conflicts outside the superpower rivalry and prevent the two superpowers from escalating conflicts. Though the view of Hammarskjöld was relevant during the Cold War period, it lost its relevance during the post-Cold War era due to the absence of active rivalry between power blocks. A new approach in the post-Cold War times was propounded by the sixth Secretary-General of the UN, Boutros Boutros-Ghali in 1992. According to Boutros Boutros-Ghali, preventive diplomacy was not only about preventing disputes that already exist from escalating into conflicts, but about taking action to prevent a dispute itself from arising. The idea was based upon the logic of common good of the entire humanity.

The eighth UN Secretary-General, Ban Ki-moon, also asserted that preventive diplomacy should involve all the stakeholders to strengthen UN partnerships between all regional and international actors. He emphasised that any preventive diplomacy, when applied, should be under the larger umbrella of the UN Charter and should not violate the sovereignty of a state.

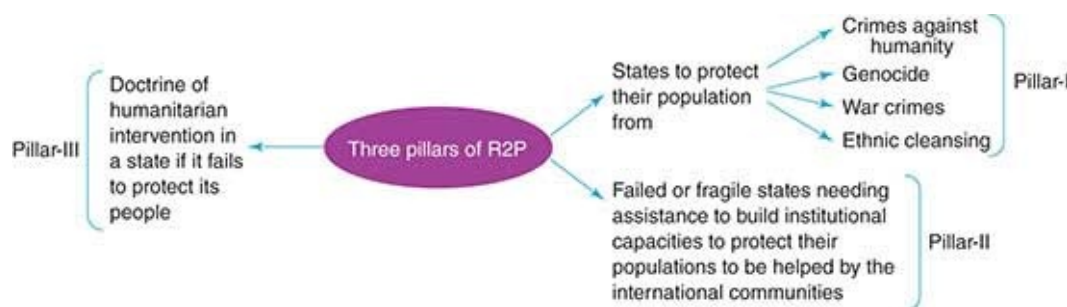


We need to keep in mind that preventive diplomacy is not concerned with solving every problem in the world, as it is a special response in a situation which warrants interference to avoid escalation into any form of violence. It may not even always prevent a conflict, but as a tool may promote peace by preventing escalation of the conflict. According to the Article 51 of the UN Charter, if there is an armed attack upon a state, the

state can resort to use of force in self-defence while informing the UN Security Council immediately. The Article 51 further asserts that the Security Council can also initiate steps to restore peace and security in the international system. Under the chapter VII of the UN Charter, the determination of the existence of a threat to the world peace would be taken only by the UNSC and under Article 41, steps would be taken to maintain peace without the use of force. However, under Article 42, the UNSC is empowered to use air, sea or land power to restore peace through blockades and operations. A lot of questions remain unanswered. The most important question is on what criteria the UNSC would get to decide that an issue in a state is ripe for international intervention and is not an internal matter.

There are, however, international situations where a concept like the R2P actually helps. The idea of R2P is that a state actor should take steps to protect people and if a state, in some extreme scenario, is unable to protect its people, then the responsibility to protect its citizens falls upon the international community. The R2P was endorsed by the UNGA in 2005 and UN Resolutions 1694 (in 2006) and 1894 (in 2009) also affirmed the same.

The states are quite worried as some have developed a feeling that R2P would be used to interfere in the internal affairs of a state and may lead to regime changes.



INDIA AND R2P DIPLOMACY

When India became independent, Nehru steered India's Foreign Policy in the era of the Cold War. Nehru asserted that India would determine its own destiny by remaining independent in its decision making at the foreign and domestic policy level. This led Nehru to promote the idea of Non-Alignment. During Nehruvian times, India evolved the principles of non-interference and non-intervention. However, in 1971, when Indian troops helped sliced off East Pakistan, India cited the logic of right of self-defence provided under Article 51 of the UN charter (as explained above). Though India favoured a weak Pakistan in its strategic interests, the subsequent international condemnation by the international community on India's response in 1971 put India on toes again.

India also intervened in Sri Lanka through UNPKF in 1987 with the consent of the Sri Lankan government, but ended up paying a heavy price for its intervention. India learned a valuable lesson—that of not resorting to military intervention if the two parties have irreconcilable differences. At the global level, whenever India has engaged at UN level, it has favoured the idea of using non-violence as a tool of conflict resolution. This idea to resolve conflicts through non-violence is promoted by India even outside its regional sphere. In fact, India's Sri Lanka episode of 1987 (explained in detail in the chapter of India and Sri Lanka relationship) has convinced Indian policy makers that using force to impose a social change in the society will yield no results.

India has clearly understood that in a situation of international anarchy, the states, by having an interaction with each other at all the levels, can still resolve differences through dialogue. India's political perception of not viewing the world in completely black and white is rooted deep in its psyche. This perception owes its origin to 2000-year-old Indian epic called *The Mahabharata*. India often dictates openness, tolerance and non-violence to all states as a value irrespective of a domestic regime. India does not have an issue if a society is not democratic as India feels it's a domestic choice of a state to have its own systems of governance.

In 2001, the International Commission on Intervention and State Sovereignty (ICISS) prepared a report on R2P. India, during the initial phase of evolution of the concept of R2P, showed some scepticism. India, initially, did not even send official representatives for a discussion. The reason India did not officially participate in ICISS was because ICISS was a NGO and India normally does not officially interact with NGOs by sending its diplomats. More importantly, the Indian perception about R2P was that it was largely, as explained and discussed by the ICISS, just a new name for humanitarian intervention where Western states wanted to resort to some sort of force to achieve their own interests. All these years, India had formed a group called G-4 in 2004 with India, Brazil, Japan and Germany, and used the G-4 to advocate for UN reforms. As the debate on R2P progressed, India initially stated that it would not accept right of humanitarian intervention or idea of military humanism in any form, as was under discussion. In fact, India's Permanent Representative to the UN at that time asserted that only a reformed and enlarged UNSC should be authorised to undertake any decision on any such issue and that it should also include the regional organisations. India constantly exhibited recalcitrant opposition to the idea of R2P in the initial years. The initial document of the R2P followed the idea of coercive solidarism². However, as there was a staunch opposition to the idea, the idea of 'consensual solidarism' was added by replacing the idea of coercive solidarism. However, two events in the times ahead brought about a shift in Indian perception of the R2P. Let us have a look at the two events.

In 2007, the military Junta of Myanmar suppressed peaceful protestors. All western states condemned the suppression and even resorted to sanctioning Myanmar. India, on the other hand, stated that such issues were domestic issues of a state and that India would remain neutral to its neighbour's internal squabbles and continue to engage with Myanmar. In 2008, Cyclone Nargis caused heavy devastation in Myanmar. India immediately resorted to an engaging approach of closed door diplomacy and provided immediate relief supplies.

Similarly, in 2009, as the Sri Lankan civil war was in its final stages, India maintained a diplomatic rhetoric of no harm to the civilians (this was due to domestic political compulsions and the upcoming elections in 2009), but refused any sort of intervention in the affairs of Sri Lanka.

These two instances of 2007 and 2009 gave India an option to evolve its position on R2P. In 2009, when the UNGA debated the R2P, India asserted that it favours the idea that protecting its citizens is the sovereign responsibility of the state. India supported the pillar-1 of the R2P. India also supported the idea that weak states would be provided international assistance to prevent conflicts from escalating. India, thus, also supported

pillar-2 of the R2P. India showed resistance to the idea of international humanitarian intervention in case a state failed to protect its people. India asserted that this measure should be used as a last resort and only exercised on case specific basis. India maintained that if international humanitarian intervention is used (as a last resort) it should be used in compliance with the charter of the UN and regional organisations operating in the region of intervention should be consulted. India, therefore, supported Pillar-1 and 2 and conveyed its disagreements over Pillar-3.



In 2010, India was elected to the UNSC as a Non-Permanent member for two years. India witnessed its first challenge in February 2011 when the Libyan crises took place. The UNSC passed a resolution (Resolution number 1970) urging for an immediate halt of violence and advocated that the Libyan case be referred to the ICC. India voted in favour of UNSC resolution 1970. As the situation in Libya worsened, the UNSC passed another, more stringent, resolution (Resolution 1973) and urged the member states to take all possible actions to protect civilians. India abstained in the vote of UNSC Resolution 1973 as it stated that there was no clarity on the ground situation in Libya and the action advocated under UNSC Resolution 1973 violates Libyan sovereignty. The NATO immediately launched operation 'Unified Protector' in Libya. India vocally criticised the NATO operation as, when the NATO began its operations, it began to fund the rebels for a regime change. India was alarmed to see that instead of focussing on making peace on the ground, NATO was making no attempts for a ceasefire. India asserted that the way the UNSC resolution 1973 was adopted and implemented on the ground brought a bad name to the idea of R2P. India began to press the idea that there needed to be a broad debate upon the third pillar and the circumstances in which it will be used. Brazil also promoted the idea of Responsibility While Protecting (RWP) and India advocated that R2P should be anchored in RWP. India further asserted that imposing the idea of a regime change from outside is a dangerous path to be followed.



In October 2011, the Syrian crisis became the second area of contention for India. India again abstained from voting in the case of Syria as it did not want a 'second Libya' situation to be perpetrated in Syria. India emphasised that it would favour a dialogue in Syria and not a threat of sanctions as advocated by the West. India, during its tenure as a non permanent member of the UNSC, succeeded in getting statements passed that not only condemned the Syrian atrocities on civilians but proposed a negotiation and a national solution amongst the parties in the civil war. In February 2012 and July 2012, India supported two more Resolutions which favoured a regional attempt by the Arab League to find a solution and use of non-military sanctions on the Syrian regime led by Assad. The

analysis of Syria and Libya clearly prove that India favoured its own interpretation of R2P rooted in its own historical past. Our analysis of India's behaviour from 2005 to 2012 on R2P shows that India does not want to be a power that obstructs but instead wishes to be an emerging player that shapes international norms, while preferring to play a rule based game.



KEY ELEMENTS IN INDIA'S MULTILATERAL NEGOTIATIONS IN FOREIGN POLICY

India has realised that multilateral forums offer India necessary platforms to exercise global influence. India always attaches greater importance to global organisations as it helps in measuring the rise of India as a major player in the international system. Indian diplomats also consider postings in the global organisations as prestigious as it enables them to inculcate some serious negotiation-related skills in themselves. In the initial period of the Cold War, India used to be a rule taker at the global level. Since the end of the Cold War, India has shifted its position to that of a rule maker today. Keeping in sync with growing Indian capabilities and a rising international profile of India, India has decided to partake in the exercise of shaping norms today. What puts Indian diplomats in a place of advantage in international organisations is their proficiency in English and deep knowledge about the history of core issues vested in the international scene. Instead of formal training, Indian diplomats work upon building their historical knowledge database by working with senior diplomats and such skill comes handy in international organisations. Many countries in the world, at different times, have appreciated this quality in Indian diplomats.

At the international level, Indian diplomats strive to act as a bridge between conflicting parties. A unique feature of Indian diplomacy at the multilateral level is that they may refuse firmly to accept a deal which may be unfavourable to India. This aspect of India's policy is visible at forums discussing climate change, trade and nuclear deals like NPT and CTBT and so on. Due to such a behaviour, at times, India often puts to risk the support of powerful countries that may have helped her play a larger role in shaping norms at the global level.

India's traditional multilateral policy began from the way it rallied countries under the rubric of non-alignment and G-77. These groups were used by India to reject the ideas propounded by the West against the interests of the participants. The non-aligned states and G-77 collectively worked as a coalition in the UN to block any initiatives that might hurt the interests of the coalition. At the end of the Cold War, non-alignment became more of a forum. India gradually began to shift to seek solidarity with smaller groups that could advance Indian interests. As India searched for smaller groups, it remained confined to developing states only. According to Aruna Narlikar, the coalition was not issue-based but still a bloc-style concept (we will elaborate this in the next chapter). India has, however, found it difficult to obtain recognition for new groups. India, for instance, found it difficult

to establish a group called ‘Development Agenda Group,’ comprising of twenty-two states. India has, in the meantime, launched a massive bureaucratic campaign for a permanent seat to the UNSC. In fact, whenever there has been a state visit of any leader, India makes the pledge of support by the visiting Head of the State as a part of the Joint Communiqué. Despite support pledges from USA, UK, France and Russia, India has not been able to succeed effectively. In fact, India has become a part of the G-4 to seek a coalition-based support for a permanent UNSC seat. One of the important reasons for these unsatisfactory results till date regarding the campaign is the lack of a powerful push from the Indian political leadership and relatively less resources available to the diplomatic corps for the campaign. India, in the last two decades, has become unsuccessful in mobilising foreign states, based on compelling arguments, to push for India’s candidacy at UNSC. Also, there has been no realisation amongst the P-5 states of anything of India’s inherent power structures that may compel them to add India in the group. The P-5 has still not had the feeling that the absence of India at the P-5 states may have led to a missing link in adequate representation of all states equally in the world.

The bureaucratic lethargy was visible in 2006 when Shashi Tharoor entered the fray to be appointed the UN Secretary General. Tharoor lost out to South Korean Ban-Ki Moon as Indian foreign bureaucracy could not powerfully assert at the level of closed door negotiations with all states in the world while South Koreans made Ban-Ki Moon’s appointment one of the core priorities of their foreign policy. In 2007, India rectified the shortcomings in Tharoor’s campaign when it came to the appointment of a Secretary General of Commonwealth of Nations. India’s MEA and political leadership launched an elaborate and a massive campaign that saw Kamlesh Sharma sail through.

In the sections ahead, we shall see that in the recent times, whenever the Indian premiers have taken a personal interest in multilateral diplomacy, India has witnessed more instances of success. Now, let us turn our attention to the aspect of India and its diplomacy with the UN.

INDIA AND THE UN

India has played a key role in the creation of the UN. An Indian delegation was present at the San Francisco conference in 1945 and was represented by C P Ramaswamy Mudaliar, Feroz Khan Noon and V T Krishnamachari. While the discussions were going on in the conference, India proposed that instead of UNSC ‘electing’ six non-permanent members, it should ‘appoint’ the members on criteria like their population, the industrial capacity of the state and so forth. India also asserted that six members be ‘appointed’ to the UNSC to participate in the discussions of the UNSC without a right to vote. Though India’s suggestions were not accepted, India also raised concerns over veto powers.

India became one of the founding members of the UN. As India began to engage with the UN as an independent country, it first focussed on decolonisation. India believed that the UN, as a platform, could be used to expedite the process of decolonisation of the world and this would also provide India an opportunity to showcase its global leadership at a world platform. Throughout the period of the Cold War, India began to use the UN platform for spearheading disarmament and solicited the support of UN for development. The 3-D formula of India at the UN (Decolonisation, Disarmament and Development) worked well for India. In the previous chapters of the book, we have argued the basic

tenets of India's decolonisation policy (see chapter of India–Africa Policy—Key drivers) and India's disarmament diplomacy (see chapter of India's Nuclear Foreign Policy). Since the end of the Cold War, as Indian economy began to improve and as India began to emerge on the world scene as a new economic powerhouse, it began to seek greater participation in the UN, especially the Security Council. By this time, India's perception about UN had begun to alter after India's experience at the UN level with respect to the Kashmir problem (see chapter of India–Pakistan relationship for an in-depth analysis). Initially, India had perceived the UN as a platform for international peace. However, due to the way the Security Council dealt with the Kashmir problem, India began to realise that the UNSC would act predominantly under political pressure from the bigger powers while resolving disputes which would be based upon the ideological tilt of the parties involved in the dispute. By the 1960s and 1970s, especially after the experience of Kashmir, India began to feel that bilateralism would be more befitting to Indian interests than multilateralism. However, at present, India has been seeking reforms in the UNSC. India aspires for a permanent seat at the UNSC. In 2015, an Intergovernmental Negotiation adopted a formal document at the UN for UN reforms. A text based negotiation process has been launched for reforms of the UNSC from 2015.



China has been one of the primary hurdles in India's accession as a permanent member to the UNSC. China does not want to share the status of being the only Asian power in the UNSC with India. More so, although India has received vocal support from USA, UK, France and Russia for its permanent candidacy to the UNSC, these powers have been quite reluctant to undertake UNSC reforms to add India. There is a general perception that the powers intend to maintain a status quo in the arena of international relations. Also, as permanent membership to the UNSC requires two-third majority of the UN General Assembly, seeking a consensus on the same shall be another challenge for India. Some permanent members of the UNSC have argued that India's contribution to the budget of the Security Council does not match its claims to be at the higher table. However, with the beginning of text-based reforms since 2015 for the first time in the modern history of UN, the situation has reignited hopes for India's permanent candidacy once again.

INDIA'S CLIMATE CHANGE DIPLOMACY

The debate of climate change owes its origin from 1970s. The UN Conference on Human Environment was held in 1972 in Stockholm. Twenty years later, in 1992, the world achieved consensus to establish UNFCCC (United Nations Framework Convention on Climate Change). Over a period of time, the UNFCCC along with IPCC (Intergovernmental Panel on Climate Change) worked out some dedicated scientific research on the issues relating to global warming. The newfound euphoria for climate sciences culminated in the birth of the Kyoto Protocol. The Kyoto Protocol however ended in 2012 (as its compliance period was from 2008 to 2012) and since then the leaders

of the world have been struggling to come out with a new successor agreement. In the same time period however, the leaders of the world were able to achieve a consensus on Montreal Protocol to tackle issues pertaining to depletion of ozone layer. India has participated in the global climate change diplomacy since the 1980s. India was one of the most forceful voices in 1972 at the UN Conference on Human Environment that was held in Stockholm. India asserted that the fixation of the western world on industrialisation and aggressive economic growth has been the most important reason for rise of environmental concerns at the global level. Indira Gandhi at Stockholm emphasised that over-consumption of resources in the West was a major cause for the degradation of environment. She refuted the claims of the West that exploitation of natural resources by developing world was the major reason for the environmental mess. Indira asserted the right to development of the developing world as a strategy. She advocated that the Western world provide assistance to the developing world in its quest for development as they were responsible for the injustices perpetrated upon the third world due to colonialism and imperialism. In 1988, the UN asserted that climate change is a common concern for mankind and decided to setup an Intergovernmental Panel on Climate Change (IPCC) to deliberate upon the issue of climate change. The UNGA, in 1989, urged members to establish a 'framework convention' to address climate change. In 1992, this led to the birth of the United Nations Framework Convention on Climate Change (UNFCCC) in Rio at the Earth Summit. India was a part of the intergovernmental negotiating committee which negotiated the conduct of the convention. India understood that climate diplomacy could affect its national interests and hence, became a part of the climate change negotiations. India began to outline its position on climate change, that the GHG emissions were majorly caused by the developed world as the emissions of the developing world were miniscule in comparison. India also said that as developing world will have to work to remove poverty and undertake development, their GHG emissions would rise. Therefore, in this prevailing scenario, a legally binding target upon the developing world could not be advanced. India advocated that any convention in future should establish a bridge of technology transfers from the western world to the global south to help them meet developmental challenges. India advised that an equitable solution to tackle GHG emissions is that the developing world reduce their emissions per capita and converge them with the per capital emissions of developing world.



At the CoP-1 in Berlin in 1995, India advocated that Annex-I parties accept legal targets to reduce emissions in a time bound manner through a protocol. India succeeded to get the idea of 'differentiated responsibilities' endorsed in the Berlin Mandate. India, during CoP-3 negotiations in Kyoto, pressed for the removal of any voluntary commitments for developing world. The CoP-3 agreed upon the same but introduced mechanisms like Joint Implementation, Clean Development Mechanism (CDM) and Emissions Trading and so on. Over a period of time, India accepted that it would ensure (through a voluntary pledge) that its emissions do not exceed the emissions of the developed world. In the Bali Action Plan, India successfully ensured that its domestic

measures for mitigation are not placed under external scrutiny as doing so would have violated India's sovereignty. In 2008, India announced its National Action Plan on Climate Change (NAPCC). India pledged that it will resort to mitigation actions domestically and by 2020, would voluntarily reduce India's emission intensity by 20–25% of its GDP. India follows a two-point strategy. It has joined hands with the G-77 to ensure that no legally binding commitments are imposed on developing states. It has also worked with the BASIC group (Brazil, South Africa, India and China) at the global level. When the Modi Government came to power in 2014, India continued with the same policies as it had espoused earlier. India is still following a bilateral policy to garner financial and technical support for clean energy, its recent deals with France and USA (as explained in the respective chapters) are testimony to that fact. India in the recent times has shown a great resolve at the Paris Agreement of Climate Change. The Paris Agreement focuses on developing the capabilities of developing countries to combat climate change in sync with their national priorities that each state has to define under the Intended Nationally Determined Contributions (INDCs). India has announced its INDCs and is trying to play a crucial role in global climate debate. When Donald Trump assumed the Presidency of US in 2017, he passed an order withdrawing US from the Paris Agreement. This provides India yet again an opportunity to lead the global climate negotiations.



India's INDC Targets (Source–Press Information Bureau)

Under its Intended Nationally Determined Contribution (INDCs), India has indicated that it will achieve about 40 percent cumulative electric power installed capacity from non-fossil fuel based energy resources by 2030 with the help of transfer of technology and low cost international finance including from Green Climate Fund (GCF). The contributions under INDC have to be achieved by 2030.

India has set renewable power deployment target of 175 GW by the year 2022, which includes 100 GW from solar and 60 GW from wind energy.

The revised Tariff Policy, notified by the government on 28 January, 2016 has several provisions aimed at accelerating deployment of renewable energy in the country, including, inter alia, provisions for (a) 8% solar Renewable Purchase Obligation (RPO) by the year 2022; (b) Renewable Generation Obligation on new coal/lignite based thermal plants; (c) bundling of renewable power with power from plants in case of fully depreciated power plants whose Power Purchase Agreements (PPAs) have expired; and (d) exemption of renewable energy from inter-state transmission charges. The Government has also issued guidelines for long-term growth of RPOs for non-solar as well as solar energy.

INDIA AND WTO

Before the World Trade Organisation (WTO) came into existence in 1995, there was a General Agreement on Tariffs and Trade (GATT). India was one of the members of GATT but could not achieve much success as GATT was dominated by the quad of Canada, USA, Japan and the EU and was a rich man's club. Before the WTO was born, the world witnessed heavy protectionism. There were tariff barriers which were imposed by states that restricted trade but, when the WTO was formed, its primary focus was removal of

tariff barriers to integrate the economies of all nations in the world. The WTO came out with 19 agreements (with each having an annexure) to achieve its objectives.

In 1986, multilateral negotiations began under the Uruguay round. The negotiations under the Uruguay Round ended in 1994, with a recommendation to create the WTO. Uruguay Round advocated that there shall be a gradual reduction of tariffs and a timeline to dismantle Multi Fibre Agreement (MFA) which governed the textile trade under the Agreement on Textiles and Clothing (ATC) as well as the Agreement on Agriculture (AOA). Though the process to dismantle the tariffs completed by 2005, textile products still continued to have high tariffs. When the WTO was formed, it advocated non-discriminatory free trade through negotiations by ensuring predictability and transparency in global trade. The WTO came out with an Agreement on Subsidies and Countervailing Measures (SCM), which, in turn, came out with three product categories. Under the Red category, if one state gave a subsidy on a product for its manufacturing and then exports it to the other state, then the importing state can ban the import of the product. A state in this case, under the Amber category, can either invoke countervailing duties or report to the Dispute Settlement Mechanisms (DSM) of the WTO. If the product falls under the Green Category, no action can be taken by a state. Under the General Agreement on Trade in Services (GATS) a state could resort to setting Sanitary and Phyto-Sanitary (SPS) measures and create Technical Barriers to Trade (TBT) Agreements. Under the Trade Related Intellectual Property Rights (TRIPS) agreement, states, by establishing domestic laws, need to ensure stringent punishments for copying intellectual property rights and take steps to prevent piracy.

As India integrated itself through the WTO, its trade began to increase. As the MFA was scrapped under the ATC of WTO, India also witnessed a textile boom. As developing countries faced difficulties to implement the agreements of the WTO, they began to seek concessions. A new round of negotiations began in Doha in 2001. The negotiations were called the Doha Development Agenda (DDA). As the DDA negotiations began, India raised concerns over the Special Safeguard Mechanisms (SSM), which was essentially a tool that would allow developing countries to raise tariffs temporarily to deal with import surges or price falls. Issues related to Non-Agricultural Market Access (NAMA) too emerged in the DDA. During the DDA, the developing countries asserted that they had not been granted sufficient trade concessions, while developed countries argued that developing countries have not eliminated tariffs in agriculture and services sectors. During the DDA negotiations, the developed countries advocated that through a Trade Facilitation Agreement (TFA), the developing countries should open up their markets. Due to many differences between the developed and developing states at the DDA, the negotiations collapsed.

After the failure of Doha negotiations, to make a breakthrough on agriculture subsidies and SSM, the next debate began in 2013 in Bali where again issues related to agriculture erupted. The Bali negotiations decided to focus on TFA as it would facilitate border trade. For India, the priority with respect to TFA was to clarify that if it was unable to fulfil some complicated provisions of TFA, then it should not be made to go through proceedings related to dispute settlements. As the USA realised that TFA could again become an issue with the developing countries, if they started making concessions in agriculture. The issue in agriculture was of stockpiling and challenging stockpiles of

developing states. Members at the WTO agreed that if a developing country maintained a stockpile over 10% of its agricultural produce, then it could be challenged by other WTO members. But the WTO said that for a certain length of time, the developing countries, in order to provide food security to its population, can maintain excess stockpile (over 10% limit) without any member challenging the decision. The issue was to decide what interval would be allowed for such a limit to remain unchallenged by other member states. India wanted unlimited and indefinite timeframe while the USA favoured a two year 'peace clause'. After intense negotiations, it was agreed by the Ministerial Decision on Public Stockholding for Food Security Purposes that a four-year peace clause will be followed and the TFA has to be concluded and implemented. However, when the Modi government came to power in 2014 in India, it asserted that it would not accept the agreements related to TFA and public stockholding as they are against the interests of India. India asserted that a new agreement should be worked out where stockholding restraints are removed for developing countries and they be given an indefinite exception. Later, in 2014, during a meeting with Obama, Modi announced his support for the Bali Agreement with a tighter language and the Bali Agreement was then taken to the next step.

Many negotiators theorise that India always adopts a hardline policy in trade negotiations as it always suffers a feeling that any blanket trade treaty may put India in a disadvantage. Thus, India has this culture of resorting to either a flat-out refusal or, at times, taking a long time to negotiate. However, India also has to understand and consider the consequences of the costs involved with such an attitude on other member states in the times ahead.

Amrita Narlikar says that when India negotiates for trade, it favors to work with hybrid coalition of states. These hybrid coalitions are issue centric (like agriculture etc.). Amrita argues that India adopts a distributive, demandeur and a naysaying strategy that have legitimacy of process or equity of outcomes at the heart of negotiations.

1. Fourteen Points is a blueprint for world peace that was to be used for peace negotiations after World War I, elucidated in a January 8, 1918, speech on war aims and peace terms by US President Woodrow Wilson.
2. Solidarism is the social theory of a combined solidarity of interests.