

The calculus behind political neutrality

What is the strategy of unaligned parties for the 2024 general election? While the "INDIA" alliance (for the Indian National Developmental Inclusive Alliance) has grabbed the headlines, the neutral camp that is sandwiched within the two big coalitions, subject to various push and pulls, provides an interesting portal to contemporary national politics.

The neutral parties

There are three major parties in this camp: the Biju Janata Dal (BJD), the Yuva Jana Samika Rythu Congress Party (YSRCP) and the Bharat Rashtra Samithi (BRS, earlier known as the Telangana Rashtra Samithi, or the TRS). The Bahujan Samaj Party is left out of the present analysis. These parties had racked up a combined 43 seats in 2019 (22 seats for the YSRCP, nine seats for the TRS, and 12 seats for the BJD), making this camp a crucial arbitrator of national fortunes. All three parties have largely followed the equidistant route since 2014 (except the TRS for a few years, although it seems back in the camp).

We can make two broad comments on the stance of these neutral parties – both explain how these parties have a symbiotic relationship with the Bharatiya Janata Party (BJP) at the Centre.

The first deals with a personalistic settlement between the Prime Minister and the Chief Minister involving the "credit attribution of welfare". The second deals with the comfort of these ruling parties in facing a challenger that follows a route to power, based on top-down defections of elite groups rather than bottom-up mobilisation of subaltern groups by taking up "positional" issues relevant to them.

On the credit attribution point, a few days before the Parliament vote, Union Home Minister Amit Shah met Odisha Chief Minister Naveen Patnaik on a visit to the State. At a public event, Mr. Shah not only congratulated Mr. Patnaik on becoming the second-longest serving Chief Minister of a State in India, but also praised him as a "popular CM".

It appears like the next round of elections in the coastal State would follow the paradigm set in 2019: the BJP is allowed a fraction of seats in the Parliamentary polls while the BJD's supremacy is not threatened at the Assembly level. To use a chess analogy, this stalemate is most clearly expressed through a tacit agreement not to attack the respective "kings" of each side.

The BJP's top leadership's engagement with Y.S. Jagan Mohan Reddy of the YSRCP mirrors its engagement with Mr. Patnaik. Last November, when the Prime Minister Narendra Modi visited the State, both Mr. Modi and Mr. Jagan Mohan Reddy praised each other from the platform, while vowing to continue their cordial partnership for the "development" of the State. Thus, both leaders contributed to building each other's personalistic aura as the unchallenged and capable leader in their respective realm, rather than cutting each other down, even as the



Asim Ali
is a political researcher and columnist

The BJP's strategy to build its network through elite defections rather than ground-up mobilisation has not paid off in Odisha, Andhra Pradesh and Telangana as the Chief Ministers here have run tight ships

State units of their parties clash against each other.

Credit attribution of welfare

As Yamini Aiyar and Louise Tillin (2020) point out, the electoral spearhead of BJP's model of "one nation" federalism is the game of credit attribution of welfare. The BJP drifts away at the substantive power of oppositional Chief Ministers as it strives to convert the national election into a "presidential" referendum, rather than a series of State-level contests. Thus, the party is particularly virulent in attacking Chief Ministers such as Arvind Kejriwal, as it did in Parliament this week. The object is to ensure that the developmental benefits received by the people, even if the schemes are implemented by the State government, are associated with the Prime Minister instead of the Chief Minister.

In States such as Andhra Pradesh and Odisha, where the Chief Ministers are co-opted into the BJP's national dominance, this fractious game of "credit attribution" of schemes is largely uncompetitive. In both these States, the Prime Minister is allowed to win votes for the BJP in the Lok Sabha on certain central schemes, while the Chief Minister walks away with the credit, and the votes, for development benefits provided by the State government.

As regards "positional issues", these neutral parties are players within the protean ideological space which can be termed as the "Congress space", that of moderate centre-left politics. It is easier to define this space in the negative: if you take the Indian political universe and remove Hindu nationalism, Mandal politics, and exclusive sub-nationalism, what remains can be termed as the "Congress space".

The YSRCP is the regional breakaway unit, and the TRS/BRS is the former junior coalition partner of the former Congress in undivided Andhra Pradesh. The BJD had a different path of origin, as part of the Janata coalition. Yet, even as the Janata parties in their neighbouring Bihar coalesced around the social justice plank, the BJD competed merely as a party promising "cleaner government" without really taking up "positional" political issues based on social cleavages of the State. While the issue of subnational Telangana pride could be electionally mined by the TRS in 2014, and to a lesser extent in 2019, there is little electoral benefit to be gained through sub-nationalism now.

All three parties display a pattern of political mobilisation on a similar patronage-based pattern to the erstwhile dominant Congress party. This means forging the dominant caste (Reddys in Andhra, Velamas in Telangana and Brahmins-Karans in Odisha) into a hierarchical coalition with the large subaltern population comprising Dalits and tribals. These subaltern constituencies are mobilised through generous welfare schemes. They have proved more effective in elections in the last few decades than the Congress because the respective Chief Ministers have been able to forcefully link their

personality with the provisioning of these welfare benefits, resulting in a wide personal loyalty.

In these three States with large Dalit and tribal populations, the minority population is comparatively small. The Dalit tribal combine comprised 40% of Odisha's population, and 23% of undivided Andhra Pradesh (the respective share of minorities is 6% and 12%, respectively), based on Census 2011. This demographic make-up favours a model of mobilising subalterns on positional issues rather than on communal issues, which the BJP has been unable to achieve.

The BJP's strategy in West Bengal and Delhi (the home State of "INDIA" constituencies, the All India Trinamool Congress and the Aam Aadmi Party) is different for two reasons. One, the Muslim population in Bengal is large, a third of the State population, giving a flip to its "natural" communal mobilisation strategy. Two, the BJP's organisational base is strong in Delhi, going back several decades where it has intermittently shared power with the Congress. In the three States under consideration, however, the BJP's organisation has been historically weak. Its strategy to build its network through elite defections rather than ground-up mobilisation has not paid off either as the Chief Ministers concerned have run tight ships, keeping politicians of the elite communities within their organisational folds.

A shift in Telangana

Telangana is a good and recent example where the Congress has overtaken the BJP following a revival of Congress sentiment, post the Bharat Jodo Yatra and especially following the Karnataka Assembly elections. The BJP's strategy of becoming the second pole of Telangana politics had depended (apart from communal mobilisation) on elite defections rather than on issue-based mobilisation of the subaltern sections. A key piece of this strategy, the expected shift of the Reddy political elites from the Congress to the BJP, has failed to materialise. Instead, the movement has been the other way around, with Congress snatching away key Reddy leaders, signalling the Reddy community's continuing affinity to the party. Also, the Congress has deepened its advantage vis-à-vis the BJP on positional issues with regard to the support of Dalits and the tribals, not only through the Bharat Jodo Yatra, but also State-level mobilisations of its subaltern leaders. In fact, it was the perceived stickiness of the traditional Dalit-Muslim support which has influenced the recent movement of Reddy elites towards the Congress, rather than the BJP.

Thus, these three parties, arguably do not mind the present arrangement of a strong BJP at the Centre as long as they are able to contain its presence at the State level. A revived Congress presents a sharper threat to the patronage-based flank of these parties among Dalits and tribals, using a positional platform of social justice, rather than a BJP overdependent on the appeal of Mr. Modi and elite defections.

EVA STALIN IAS ACADEMY - BEST IAS COACHING IN CHENNAI

12/24, Muthurangan Muthali St, West Tambaram, Chennai - 600045

<https://www.evastaliniacademy.in/>

Contact Number - +91-8678969915, +91-9940332851

Stop the fence-sitting in cluster bomb use

The decision by the United States to send cluster munitions to Ukraine, as part of a new military aid package to bolster Kyiv's war efforts against Russia, has raked up controversy. Cluster munitions, or cluster bombs, are weapons that release multiple explosive submunitions, also called bomblets, into the air. These submunitions explode as soon as they hit the ground, killing and maiming people in the area. Many bomblets do not blow up instantly and remain dormant for years (also known as the dud rate). These inactive bomblets act as precarious landmines, posing a grave threat to the civilian population, including women and children, for a long time. According to the Human Rights Watch, which is a civil society organisation, Russia, since launching a full-scale invasion of Ukraine, has used cluster bombs against Ukraine in cities such as Kharkiv, resulting in hundreds of civilian deaths and damaging civilian objects such as homes, hospitals, and schools. Now, Ukraine using these dangerous weapons will worsen the situation.

Cluster bombs have a notorious history. They were used in the Second World War. Since then, cluster bombs have been used on multiple occasions including by the U.S. in the wars in Vietnam, Afghanistan, and Iraq. According to the Cluster Munition Monitor, anywhere between 56,000 to 86,000 people have died in cluster munition-affected countries, since the 1960s.

Enactment of convention

Along with its increasing use, the international campaign against cluster bombs led by the civil society organisations such as Human Rights Watch also gathered momentum. This resulted in an international treaty called the Convention on Cluster Munitions (CCM) being enacted in May



Prabhesh Ranjan
teaches at the Faculty
of Legal Studies,
South Asian
University

The possession, transfer, supply and use of cluster bombs should be banned universally, as envisaged in the Convention on Cluster Munitions

2008. The enactment of the CCM has been a major step in eradicating cluster bombs. However, the treaty is not universal – 112 countries have acceded to the CCM including many North Atlantic Treaty Organization (NATO) members such as Canada, Germany, France, and the United Kingdom. But important countries such as the U.S., Russia, China, Israel, and India have not signed the CCM. Ukraine is not a member.

Article 1 of the CCM bans the use, production, stockpiling, and transfer of cluster bombs. The convention further obligates countries to destroy existing stockpile of cluster munitions in their possession. Countries are also legally bound to develop a victim assistance programme to provide support and rehabilitation to the cluster bomb victims in their jurisdiction.

Customary international law

Given that there is such an international treaty, are Russia and Ukraine violating international law by using cluster bombs? Since these countries are not signatories to the CCM, it is argued that they are not bound by international law banning cluster bombs. This is not correct.

International law on armed conflicts has always drawn a distinction between combatants and civilian populations and between civilian objects and military objectives. In this regard, a fundamental customary international law (CIL) norm applicable to armed conflicts is the prohibition of indiscriminate attacks. In other words, an essential canon of international law is that the use of force must be discriminate, that is, the force should target specific military objectives and not civilians. This CIL norm is codified in Article 51(4) of Additional Protocol I to the 1949 Geneva Conventions, to which both Russia and

Ukraine are parties. Given the nature of cluster bombs, their usage is a classic example of indiscriminate use of force that fails to differentiate between combatants and civilians, or between civilian objects and military objectives, and is thus illegal.

Another fundamental international humanitarian law norm relevant here is proportionality. Codified in Article 51(5) of the Additional Protocol I to the 1949 Geneva Conventions, this rule prohibits excessive use of force that causes incidental damage to the civilian population or civilian objects, when compared to military benefits anticipated. Given the fact that the use of cluster bombs is inherently indiscriminate, harming civilians, their use will amount to disproportionate use of force and is thus illegal. In sum, even if Russia and Ukraine are not signatories to the CCM, their use of cluster bombs violates international law.

But what about the U.S.? Arguably supplying cluster bombs to Ukraine outside of the CCM, that Washington has not signed, is not a violation of international law. Moreover, it is claimed that the U.S.-made cluster bombs, unlike the Russian ones, have a low dud rate, that is, the prospects of unexploded bomblets are slim. Thus, questionably, they meet the requirements of the use of force being proportional and discriminate. Nonetheless, supplying cluster bombs to any country is an irresponsible act. The usage and the possession and transfer or supply of cluster bombs should be banned universally, as envisaged in the CCM. For this to happen, all United Nations member-countries should accede to the CCM and eradicate cluster bombs from the face of the earth.

The views expressed are personal

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