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## Canada-India Row: A Test of the “Rules-Based Order”

By P. S. Suryanarayana

### SYNOPSIS

*The United States is trying to control the storm arising from Canada's implicit accusation that India committed an act of state-sponsored terrorism on Canadian territory. Under US auspices, Ottawa is seeking Delhi's cooperation to investigate the murder of an India-born Canadian whom Delhi had designated as a terrorist responsible for fomenting separatism in India. At stake in this unfolding episode are Canada's assertion of sovereignty and India's rejection of the allegation that it sponsors terrorism. Both of these are aspects of the US campaign for a rules-based international order.*

### COMMENTARY

A black swan greeted India as it rode high after engineering a geopolitical [consensus](#) in the fractious Group of Twenty (G20) summit held on 9-10 September 2023. On 18 September, Canadian Prime Minister Justin Trudeau dropped a bombshell when he spoke about [“credible allegations of a potential link”](#) between the Indian government and the murder of a Canadian citizen in June.

India-born Hardeep Singh Nijjar was a Canadian citizen at the time of his death in British Columbia (Canada). Delhi had designated him in 2020 as a terrorist campaigner for an independent state of “Khalistan” to be carved out of India for the Sikh community. In essence, this was the foundational basis for Canada's allegation of a “potential link” between “agents of the Government of India” and Nijjar's murder.

Meeting Indian Prime Minister Narendra Modi in Delhi on 11 September 2023 in connection with the case, Trudeau had urged India to [“cooperate with Canada”](#) to unravel the facts. Thereafter, following Trudeau's public disclosure on 18 September, India dismissed the Canadian allegations as [“absurd and motivated”](#). Delhi also added

that “similar allegations” by Trudeau when he met Modi soon after the G20 summit “were [completely rejected](#)” as well.

On that note, a public dispute broke out between Canada, a long-standing US military ally, and India, with whom Washington enjoys a “comprehensive global strategic partnership”. No surprise, therefore, that the US decided to intervene by urging cooperation between Canada and India to resolve their dispute.

### **Anomalies and Realities**

The episode's veracity is already marked by some anomalies in the approaches of both Ottawa and Delhi. Trudeau's assertion of “credible allegations” suffers from a contradiction unrelated to grammar and logic. It is an elementary fact that allegations cannot be credible unless and until they are proven to be correct. This discrepancy clouds the issue, even if Canada's possibly cautious reasoning is that these allegations are not frivolous and, therefore, “credible” *ab initio*.

Another similar anomaly is Trudeau's possibly cautionary reference to a “*potential link*” between India and the murder case. Canada has not asserted that there was indeed such a “link” that led to the crime. His talk of a “potential link” might, therefore, imply that Canada is pre-judging or prophesising a conclusion of Indian “complicity”, even before a probe with Delhi's cooperation. Such implicit messaging, regardless of Canada's intention, are diplomatic anomalies.

At the other end, India appeared to have said the first and last words on the episode by dismissing Trudeau's version as “absurd”. By this, Delhi appeared to have closed the door on potential cooperation with Canada in the investigation of the case.

However, addressing the Council on Foreign Relations in New York on 26 September, Indian External Affairs Minister Subrahmanyam Jaishankar conceded that India could cooperate with Canada. [Jaishankar said](#): “One, we told the Canadians that this [state-sponsored terrorism] is not the Government of India's policy. Two, we told the Canadians .... ‘Look, if you have something specific, if you have something relevant, ... let us know. We are open to looking at it’”.

Regardless of the diplomatic correctness of Jaishankar's offer, it marked a softening of India's stand. This can be traced partially to the realities of the US-Canada alliance. Delhi, too, seems keen to have good relations with Washington in facing China, “which has broken agreements” with India. The baseline in this regard can be noticed in Jaishankar's worldview that the “United States is really an [optimal choice](#)” for India as its partner.

### **The US Approach: Pressure and Persuasion**

The US National Security Adviser Jake Sullivan has hinted at exerting pressure and attempting persuasion to convince India to cooperate with Canada. In a press briefing on 21 September, [Sullivan said](#): “We have been and will be in contact with the Indians at high levels on this issue .... There is *not* some special exemption you get for actions like this .... And we will also consult closely with allies like Canada as they pursue their law enforcement and diplomatic process”.

Evident from these remarks is Washington's unwillingness to exempt India from cooperating with Canada in its investigation of the murder of the pro-Khalistan leader. Apparently unintended, though, Sullivan's comment about no exemption for "actions like this" could be (mis)construed as Washington's suspicion that India might have played a role in the Nijjar killing.

Such a pressure tactic is also indicative of the US' unwillingness to view an Indian role, if any, as comparable to Washington's counter-terrorism action against Osama bin Laden inside Pakistan.

Sullivan's attempt at persuading India to cooperate with Canada in the Nijjar case is no less clear. He said that "where we have concerns with India [on any issue] ... we make those concerns clear". However, he also emphasised that "India is not Russia" which, for its invasion of Ukraine, is still under a wide array of US sanctions. By emphatically refraining from equating India with Russia, Sullivan is underscoring Delhi's importance to the US as it crafts and purveys a template of "rules-based international order".

### **Canada-India Row and Rules-Based Order**

Two aspects of the simmering Canada-India row merit attention in the context of US advocacy of a "rules-based international order". One of these aspects is Trudeau's concern about a "potential" issue of "[unacceptable violation of our \[Canadian\] sovereignty](#)".

On the other side, Delhi's [concern](#) is that Canada has "provided shelter" to pro-Khalistan "terrorists" who "continue to threaten India's sovereignty and territorial integrity". On 22 September 2023, India joined the US, Japan, and Australia in emphasising that "the [rules-based international order](#) must respect the sovereignty and territorial integrity of all states".

Another significant aspect of the Nijjar case is the issue of terrorism and counter-terrorism. Ottawa has identified Nijjar as a Canadian citizen without referring to his pro-Khalistan image as an activist or alleged terrorist. However, in the context of his death, Delhi has broadly spoken about Canada's "growing reputation as a [safe haven for terrorists](#)".

Furthermore, by denying any involvement in Nijjar's death, India has also rejected the implicit Canadian allegation of carrying out an act of state-sponsored terrorism in another country.

Propagated by the US as the overarching framework for current and future global affairs, the rules-based international order is seen as being different from international law. Not being a party to several multilateral agreements which constitute elements of international law, the US is believed to have invented "the amorphous and discriminatory rules-based international order" (*John Dugard: Cambridge/Leiden: "The choice before us: International law or a 'rules-based international order'?"*).

However, the two relevant principles of the rules-based international order – sovereignty and territorial integrity, as well as counter-terrorism – represent universal

consensus. A resolution of this dispute will be of wider international interest, especially because the US is seeking to ensure a settlement.

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