

India Does Negotiate
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DOES INDIA NEGOTIATE?
By Karthik Nachiappan
Oxford University Press, Delhi, 2019, pp. 238, Rs.1295.00

Does India Negotiate? Most in India and especially those with interest in Indian foreign policy will question the validity of the question and wonder why the author is pushing at an open door. The book is however not so much directed at an Indian as it is at a western and affiliated audience where even in informed circles this very question is often raised in all seriousness. Thus, it is not infrequent to have Indian negotiating tactics and strategy diagnosed in terms of unchanging and essentialist features unrelated to the issue at hand—postures thus are frequently described as ‘defensive’, ‘prickly’, ‘obstructionist’, etc. Karthik Nachiappan’s book is aimed at precisely such views and is a rigorous and sophisticated investigation of Indian negotiating positions in different multilateral fora.

Nachiappan’s answer to the question he poses in the title of the book is a resounding ‘Yes’. In developing this answer, the author digs deep into the rationale and the interests that different Indian negotiating positions represented. He does so by an empirical examination of how India actually negotiated during the process of the formalization of four different regimes: The Framework Convention on Tobacco Control (FCTC), the Framework Convention on Climate Change (FCCC), the Comprehensive Test Ban Treaty (CTBT) and the Uruguay Round Trade Agreement. This is obviously a wide spectrum of multilateralism but broadly falling in the period of the late 1980s up to the early and mid 1990s. This has enabled Nachiappan to mine a variety of primary and secondary sources which supplemented with interviews makes for a narrative that is animated and realistic. Nachiappan is also to be complimented for the thoroughness with which he has mined archival records wherever they were available and the manner in which he has married multilateral records from different sources with governmental and non-governmental records from India.

Each of the domains covered by these treaty regimes was and is a specialization and a universe in itself. In India the primary negotiating agency varied with different nodal ministries—Health, Environment, External Affairs and Commerce respectively for each of the regimes chosen. Notwithstanding this diversity, the central point which the book makes is that the view that ‘India is generally seen as an obstructionist’ in multilateral frameworks does not withstand empirical scrutiny.

On the Tobacco Convention India pushed for an instrument with tough provisions for addressing growing tobacco use and in general its external negotiating posture overlapped a great deal with domestic priorities and concerns over growing tobacco use. Possibly in some areas of this convention the Indian position—such as on tobacco advertising—was much in advance of the

US and Europe. In the case of the Climate Change negotiations however, the divisions were sharper—and here the central issue was on the differential responsibilities between developed and developing countries. Nachiappan correctly points out that climate issues were, given the technicalities involved, a new area for Indian negotiators and there were severe constraints of persons with adequate domain knowledge. These gaps were attempted to be filled by smoothing the interface between the MoEF and the MEA as equally involving non-government think tanks in constructing the broad platform for India's negotiating approach. India's approach here was common to the one adopted by many developing countries. Despite numerous North South divides India had been a leading force behind the finalization and adoption of the Convention and was one of the early signatories.

The approach to the trade negotiations in the Uruguay round was similarly positive throughout, underwritten, as Nachiappan points out, by the awareness of 'where and how liberalization benefitted the Indian economy and domestic firms'. Nevertheless, this was also a contentious area domestically especially on Intellectual Property Rights. The final approach on which a domestic consensus was gradually built up was that in a multilateral agreement the final outcome would be a process of give and take, and it was in India's interest to remain within the international trading system. There were the early years of economic liberalization in India, where Left parties were strong both in and out of Parliament and it is easy to forget how difficult forging that domestic consensus was in the midst of a contentious multilateral negotiation. Nachiappan's narrative brings out that flavour well.

If the Uruguay Round was contentious domestically, the CTBT negotiations were even more fractious externally. The chapter devoted to it lays out the domestic and external dimensions of this issue and how the domestic debate in India was at times equally friction ridden largely because of India's own commitment to universal disarmament and a ban on testing. Nevertheless, it was the discriminatory aspect of the proposed test ban treaty—preserving the inequities of the NPT itself—that was to become the centre of the Indian negotiating position and the reason for India finally staying out of the CTBT regime. India's rejectionist stance, Nachiappan brings out, was not arrived at a priori. It was the uncompromising stance of the nuclear powers reflected in the indefinite extension of the NPT midway through the CTBT negotiation and the evidently weak commitment to universality that led to the crystallization of the Indian position.

The book's concluding chapter is titled 'India Does Negotiate' answering the question posed in the book's title. The author's conclusion is that views that see India as best known for being 'a multilateral naysayer, not a contributor' are 'at best, partial and at worst, misleading and obfuscating'. The five careful studies encapsulating this book demonstrate the point convincingly and make the book with its wide-ranging scope an important contribution to the existing studies on India's multilateralism.

That India negotiates to protect its own interests and that its negotiating positions are arrived at after a careful balancing of national interests would appear to most of us to be evident enough.

All countries do the same and larger countries have always retained the option of staying out of multilateral regimes if their core interests were not being accommodated. The question which the author does not ask however, is, why the image of Indian obduracy and defensiveness deriving from inherent 'cultural traits' is so strong and persists in large sections of western media and often in even well-informed scholarship. Part of the reason is certainly that creating an impression of Indian obstinacy or weak commitment to multilateralism is very much part of the negotiating strategy of western interlocutors especially when fundamental differences of principle emerge in the course of a negotiation. The inner track between think tanks, academia, media and the government then comes into play. The aim obviously is to project this impression of Indian 'unreasonableness' and thereby seek to whittle down and dilute its position. This issue is of course out of the scope of the present work but does merit a book also.

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Review Details

Book Name: DOES INDIA NEGOTIATE?

Reviewer name: TCA Raghavan

Author name: Karthik Nachiappan

Volume No: 44

Book Year: 2019

Publisher Name: Oxford University Press, Delhi

Book Price: Rs.1295.00

Book Pages: 238