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## Deconstructing India's Negotiating Dexterity

*Does India Negotiate?* by Karthik Nachiappan, New Delhi: Oxford University Press, 2019; pp 238, ₹1,295 (hardcover).

The question "does India negotiate?" needs to be answered right in the beginning, and the answer is a resounding yes. It does negotiate in the multilateral frameworks. Any prevailing counter-opinion describing India's posturing as "defensive," "prickly," and "obstructionist" (p 4) reflects a generalisation, especially among a section of the Western and affiliated audience and does not withstand empirical scrutiny. Before identifying India as being a multilateral naysayer, it is vital to trace India's interests with respect to a particular issue.

Karthik Nachiappan, the author of *Does India Negotiate?* provides concrete rationale and evidence behind this and successfully pummels such preconceived notions. Such evidence is furnished by meticulous empirical examination of primary and secondary sources, coupled with relevant semi-structured interviews, thus demonstrating the realistic Indian negotiating positions, interests, and decisions represented during the formalisation of four different regimes, namely the Framework Convention on Tobacco Control (FCTC), the United Nations Framework Convention on Climate Change (UNFCCC), the Comprehensive Nuclear-Test-Ban Treaty (CTBT), and the Uruguay Round Trade Agreement, broadly between the late 1980s up to the mid 1990s. It must be noted that the primary negotiating agency varied with different nodal ministries—health, environment, external affairs, and commerce, respectively, for each of the regimes chosen.

The book further unpacks India's approach to these international negotiations based on three factors: its core interests; institutional expediency; and the role of interests groups to influence India's stance. It must be pointed out here that the author has recognised the expertise of the interest groups in discussing policy problems. Interests are, in turn, determined by interdependence around a particular policy problem that calls for negotiations and framing of rules. These factors make India either a rule shaper or rule breaker. The former happens when the three factors converge and when the international rules undermine the three factors: India either abstains, resists, or rejects the negotiations. With the multiplicity of views and interests from each participating country in multilateral negotiations, it is difficult for any country to be a rule maker. And a country like India cannot be a mere rule taker.

### Trajectory of Negotiations

Chapter 1 begins with the discussion of the overhyped and heavily crowded Conference of the Parties (COP) 15 under the UNFCCC, held in Copenhagen, ultimately resulting in a "diplomatic disaster" (p 1) in the form of the Copenhagen Accord. The primary reason for this included: non-binding voluntary deal where the world's biggest greenhouse gas (GHG) emitters pledged to limit the global rise in temperature to 2°C without providing the road map to attain this. It further obliged the high-emitting developing countries by allowing them to prioritise their economic development and poverty alleviation process.

The criticisms against the positions adopted by India and other developing countries by the industrialised countries make it overtly clear that multilateral agreements focus on outcomes and not the negotiations themselves, thereby impeding the generation of a coherent grounded perspective.

Chapter 2 chronicles India's negotiation of the FCTC by explaining how with the increase in the globalisation of the tobacco companies in the 1980s led to the increase in the tobacco production, which ultimately led to an upsurge in the morbidities due to increased consumption. The multilateral intent for tougher tobacco rules aligned with the objectives of India's Ministry of Health and Family Welfare (MOHFW) to restrict the rampant domestic tobacco production, distribution, and consumption through the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act (COTPA). Indian officials worked diligently to shape the rules under the FCTC and eventually led to its ratification of the FCTC. Nachiappan clearly demonstrates that when multilateral negotiations are coupled with domestic policy momentum, the ratification of the former becomes relatively easy.

When COTPA became a law in 2005, new rules on the direct and indirect advertisement of the tobacco products were incorporated, mandating warning signs. However, the gains made were overridden by the massive surge in the number of Indian smokers—from around 75 million in 1980 to approximately 110 million in 2015. And these figures suggest that the numbers will only rise and so will the fatalities associated with it.

Chapter 3 details India's negotiations at the UNFCCC. Since the Stockholm Conference of 1972, a scientific consensus in the 1980s slowly emerged that global efforts were required to control global warming. The impact of changing climate on India at the time was not comprehensible to the Ministry of Environment and Forests (MOEF) officials, and this was matched by the political outlook of the Ministry of External Affairs (MEA) officials who viewed calls for climate mitigation as being an impediment to India's development trajectory. These two factors led India to make constant references to the historically unequal and unjust patterns of development, yet steadfast in its support to the principle of "common but differentiated responsibilities" (p 5), which rules out the mitigation of the GHG emissions, unless supported by financial and technological assistance from the developed countries. Nachiappan shows how these perspectives on global warming were informed and reinforced by two interest groups—the Energy Resources Institute (TERI) and the Centre for Science and Environment (CSE)—which worked with the MEA and MOEF officials to sharpen India's defensive climate strategy at the UNFCCC negotiations, sensitising them on the risks accompanying the emission reduction pledges and ratification thereafter. The agreement adopted in 1992 endorsed the view that climate protection could not override the socio-economic development and poverty eradication priorities of the developing countries. It exhorted the developed countries to take the lead in combating climate change.

Chapter 4 explores how India negotiated the CTBT. India's staunch plea for universal nuclear disarmament and nuclear non-proliferation converged with the transnational pressures pushing towards test-ban negotiations. The MEA officials saw this as an opportunity to close the nuclear gap between the nuclear-weapon states (NWS) and India and tone down the grim regional security amid the China-Pakistan nuclear ties. However, as the CTBT negotiations were to unfold, it became amply clear that the NWS did not want to be placed under uniform constraints of test ban at par with the non-NWS. In these negotiations, the divided views of the domestic interest groups, namely the security and nuclear experts, shaped public debates concerning the CTBT that, in turn, gave MEA officials the leeway to determine whether to push back and ultimately ratify or reject the treaty on their own terms once it became clear that India's strategy would not have produced the agreement they desired. When the UN endorsed CTBT in 1996, the Permanent Representative of India to the UN Arundhati Ghose declared, "India will never sign this unequal treaty, not now, nor later" (p 127).

Chapter 5 maps India's negotiations in the Uruguay Round of the General Agreement on Tariffs and Trade. This was primarily guided by growing protectionism in the 1980s, imminent through imposition of non-tariff barriers upon countries such as India, whose firms were looking for foreign market access for their goods and services for expanding their output in textiles and agriculture. These major interest groups—specifically business groups and lobbies—enabled the Ministry of Commerce, "the key negotiating institution," to prioritise securing foreign market access, ensure space for domestic subsidies, and cautiously tread upon the arena of trade in services and intellectual property rights. Right from the beginning, India insisted on broadening the definition of service industries to include blue-collar labour. The officials sought to have considerable protections before the Indian market was opened to competition from foreign goods. India's pragmatism also saw the country concede to the negotiations in the Uruguay Round as the liberalisation led India to achieve sufficient market access for its good and services. This round eventually paved the way for the World Trade Organization that came into effect on 1 January 1995.

### Conclusions

In the concluding chapter, Nachiappan discusses how India took upon the leadership role in advocating and implementing the renewable energy programme by instituting the International Solar Alliance. When the United States (US) unilaterally walked out of the Paris Agreement, India sought to fill in as the leader. This, as Nachiappan calls, is time to revisit claims concerning the US as the custodian of the "liberal international order" (p 196) since the end of the Cold War. It is important to question whether the existing order was "liberal" for all countries or for selected Western countries.

He successfully establishes that the Indian officials have a serviceable understanding of the core interests before the international negotiations and work according to logic, for instance, the domestic factors. This is true for all the states as they seek to advance their interests and do not want to concede much in return. Nonetheless, when discussions on climate change, disarmament, and tobacco control were underway, American and European reticence to craft strong rules were observed.

This chapter further assesses some implications on what India's experiences of negotiating international rules suggest for global governance. Nachiappan explicates why it may not be in India's interests to seek or acquire greater "responsibilities" in the international order, especially because of the associated obligations. While India has appreciable levels of economic growth, there are several development challenges plaguing the country. It faces the unique dilemma of balancing the growing responsibilities of global governance with that of the needs and aspirations of the citizens. Through a commendable, thorough mining of archival governmental and non-governmental records from India and the effective utilisation of multilateral archival resources, Nachiappan has established that this is characteristic of a "premature power" whose focus must be on negotiating for shaping the international rules while simultaneously advancing economic and security interests.

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### Book Reviews

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