

Symposium Keynote: India and China in the Evolving International System

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The legal and economic systems of India and China, particularly the interactions between law and the economy within both countries—the primary focus of this symposium, are increasingly affected by the evolving international economy and polity. And unavoidably, there is a dramatic feedback relationship: as the growing economy in each becomes more intertwined with the global economy and laws, progressively what they do at home has an impact abroad. Here, then, is my overview of the opportunities and problems that the structure and behavior of the international system poses for India and China and for their bilateral relationship, as well as of the effects that developments in and between both countries are having on global economic, environmental, and political conditions. I also take the liberty of commenting on the new set of obligations to serve world interests that the two Asian giants should be taking on along with their emergent “great power” status.¹

I. The Polyarchic International System

India and China each reject the notion that the post-Cold War international system is “unipolar:” that it operates, or should operate, under the hegemonic direction of the United States. But they differ in their views of the structure of the evolving international system—what it is, and what should be its configuration. China’s leaders, resisting U.S. assertions of primacy, lose no opportunity, along with their counterparts in Europe and Japan, to assert that the world is “multipolar.” The problem with the multipolar model, however, is that like the unipolar model, it too fails to match the structural realities of the international system and the way that states and other actors in the system are behaving. None of the big five (or six or seven) is capable of exercising the degree of control over its regional neighbors necessary to warrant being regarded as the region’s polar power, and any such pretention of regional hegemony is resisted by its neighbors. This is certainly the case in Asia where neither India, China, nor Japan will allow any of the others the

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mantel of the region's polar power. Even in sub-regions—say, Southeast Asia—neither Indonesia, Vietnam, Thailand, Malaysia, nor the Philippines (forget Australia)—is inclined to grant primacy to the others.

Rather, as if India's professed "nonalignment" has become the order of the day, most countries, determined to ensure their ability to control their own affairs and to maximize their bargaining power with other countries, have been diversifying their active international relationships—in trade, investments, technological cooperation, and mutual security arrangements. This pattern of diversifying one's (inter)dependence relationships, as opposed to consolidating a bilateral relationship or alliance with a particular benefactor, is characteristic of today's international politics around the globe: in South Asia, Northeast Asia, Southeast Asia, Central Asia, the Middle East, Africa, the Americas, and Europe.

The diversification of dependency, the diffusion of power, and the multi-dimensionality of power have dissipated the magnetic pull that either global or regional hegemons require to sustain unipolarity or multipolarity. As a result, hardly any countries are unidirectionally aligned in their major international relationships. Allies on one issue (for example, strengthening international policing against terrorism) may be adversaries on others (for example, the right of self-determination for ethnic minorities or the location of pipelines for transporting Eurasian oil); and today's partner may be tomorrow's rival and vice versa, depending on the issue at hand. Neither unipolar nor multipolar, the emergent global system is not so much anarchic as it is polyarchic.

The polyarchy comprises nation-states, subnational groups, transnational special interests and religious and ethnic communities, and multilateral institutions, regional and global, some with supranational powers. The members of these various entities are simultaneously members of some of the other entities, which are often in competition with one another for resources and loyalty on the part of their constituents. The resulting cross-pressures on countries, political movements, and peoples can have both positive and negative effects on countries' national interests and world interests.

Positively, the polyarchic cross-pressures can make it difficult to whip up the total nation-versus-nation hostility, class conflict, and the kinds of religious-sectarian hatred that lead to major war and violent conflict of genocidal proportion. Negatively, the cross-pressures and the volatility of alignments and antagonisms make it difficult to put together and sustain multilateral collective action to provide the international public goods that the world needs today—including collective deterrence and defense against cross-border aggression and sponsorship of insurgencies and subversive movements in neighboring countries.

II. Sino-Indian Geopolitics in the Polyarchy

The cross-pressures in the emergent polyarchy militate against a new border war between China and India, and make it unlikely that China will be, as in the past, inclined to strongly back Pakistan against India in another confrontation over Kashmir. Yet neither views with equanimity their respective military buildups and the possibility that they might find themselves in a dispute with one another in which the "balance of power" between them could determine the outcome. The Chinese continue to size their military forces for a cross-strait war against an independence-asserting Taiwan and to deter the United States from entering the fray. And Beijing, even in the current era of good feeling

with Moscow, can claim that the ever-present possibility of a new flare-up of conflicts involving rival claims of jurisdiction over the Eurasian peoples along their 4,300 kilometer common border (despite recent agreements) requires the retention of a hefty Peoples Liberation Army. Yet Indian military planners fear these military capabilities could some day be turned southwest instead of north. And notwithstanding mutual affirmations of peaceful coexistence, the Chinese are persisting in various ambiguous (possibly military-related) infrastructure projects at India-China border areas. Moreover, some of these projects, ostensibly designed only to further the economic development of the remote areas – especially the dams the Chinese are building on the rivers that supply India with much of her water – could be turned to coercive purposes in the event of a future Sino-Indian confrontation.

Indian national security planners, wary of a coalition of radical jihadists and hawkish military factions coming to power in Islamabad who might try a full-blown insurrection in Indian-controlled Kashmir, are convinced that unambiguous Indian military superiority over Pakistan, including nuclear superiority, is absolutely necessary to dissuade the Pakistanis from reckless behavior. But this requires New Delhi to invest in force-buildups, including intermediate-range ballistic missiles, that Beijing sees potentially usable against China. (As the quip goes, “paranoids often do have real enemies;” and India’s defense buildup is, to be sure, no less motivated by the objective of providing her with at least an “assured destruction” deterrent against China). Moreover, both China and India, under the rationale of being able to secure tanker access routes to Persian Gulf oil, have each embarked on major buildups of their navies to provide themselves with a “power projection” capability.

III. Getting Real about Panchsheel

Meanwhile, at the Himalayan rhetorical levels of summit diplomacy, the plenipotentiaries of China and India ritualistically endorse the Five Principles of Peaceful Coexistence, or *Panchsheel*, first proclaimed more than a half century ago by Jawaharlal Nehru and on Zhou Enlai:

1. Mutual respect for each other’s territorial integrity and sovereignty
2. Mutual non-aggression
3. Mutual non-interference in each other’s internal affairs
4. Equality and mutual benefit
5. Peaceful co-existence

True to form, Prime Minister Manmohan Singh and Premier Wen Jiabao, meeting in Beijing in January 2008 affirmed that their “Shared Vision for the 21st Century” embodied the *Panchsheel*, which should “constitute the basic guiding principles for good relations between all countries and for realizing peace and progress of humankind.”

On the ground, however, with military contingents along the passes between the mountain peaks, with the heavily-guarded construction teams building roads into disputed border areas and canals to divert scarce water from the headwaters of rivers originating in China but flowing to India; at sea, in naval ships engaged in simulations of confrontations along the navigation routes from the Indian Ocean to Persian Gulf sources of oil; in command centers for launching nuclear capable missiles, space probes, communications satel-

lites, and anti-satellite missiles against future military spacecraft—the intensifying power rivalry is a counterpoint to the norms of peaceful co-existence.

Getting real about *Panchsheel*, however, does not mean dismissing the principles as fatuous or utopian. On the contrary, commitments of peaceful coexistence are of increasing importance precisely because of the risks that these two Asian (and global) giants—obviously competing with one another as models of political and economic development, and requiring sustained nationalistic unity to overcome the frustrations and potentially dangerous impatience of majorities left behind by uneven economic growth—could misconstrue each other’s deployments and posturing as threats to their own security when they were actually directed, at least in the short term, primarily against others.

There is no escaping the fact that the Sino-Indian relationship is a mix of conflicting and compatible national interests. The regional polyarchy (involving not only India, Pakistan, Afghanistan, Iran, Burma, and China, but also the United States and Russia) at best can sustain a somewhat unstable equilibrium between Beijing and New Delhi. At worst, the uncertainties of who is on whose side on what issues with what degree of commitment can generate the kinds of paranoid misperceptions and miscalculations that typically lead to war.

The cross-cutting and fluctuating relationships of polyarchy are prototypically present in Afghanistan, where India, the United States, China, and Iran, with quite different motivations, have been supporting the Karzai government – an alignment regarded in Islamabad as serving India’s grand strategy of encircling and hemming in Pakistan. Iran has its own concerns. Its earlier warm, now luke-warm support of the anti-Taliban campaign has been driven by the intense anti-Shiite record of the Sunni Taliban; but Teheran could do a “the enemy of my enemy is my friend” turnabout should the U.S.-Iranian relationship head toward war. Pakistan’s worry about encirclement does have some basis in fact. India has offered to train the Afghan military, has been opening up consulates along the Afghan-Pakistan border, and has supported a major road-building project to the Iranian border. India is of course genuinely opposed to the radical brand of Islam represented by the Taliban and their allies among al Qaeda, and other transnational jihadists located in Pakistan’s northwest. One of Islamabad’s nightmares, however, is a collapse of the NATO/U.S. campaign against the Taliban that would result in India’s taking up the burden of containing the jihadists by deploying its own troops into eastern Afghanistan, and even actively supporting the anti-Pakistan separatist movements in the Pashtun and Baluchistan areas. Yet for these contingencies, Pakistan could not confidently rely on China, for whom Afghanistan is not all that salient, to provide a counterweight to India.

During the latter stages of the Cold War (when Beijing felt threatened by Moscow’s hegemonic objectives in Asia) China was ready to help Pakistan balance India’s power (then substantially based on military and economic assistance from the Soviet Union). But today, China no longer appears to regard India through the lens of the Sino-Russian rivalry. China and Russia have shifted toward moderating one another’s regional hegemonic aspirations through their jointly-run Shanghai Cooperation Organization. Meanwhile, India’s increasing arms purchases from the United States and decreasing purchases from Russia, plus the U.S.-Indian nuclear deal, from Beijing’s perspective, looks like collusion to build up India’s power vis-à-vis China. Likewise, Beijing’s persisting military sales and assistance to Pakistan and Burma are regarded in Washington and New Delhi as being motivated by China’s increasing focus on India as its principal regional, and

ultimately global, rival, which explains India's own active pursuit of good relations with the Burmese regime despite the junta's abysmal human rights record.

Thus, the geopolitical context surrounding and infusing *Panchsheel* has undergone a substantial metamorphosis over the decades since the Nehru-Zhou EnLai proclamation. In the 1950s, the Sino-Indian dance of cooperation and conflict was a sideshow in the global arena of the U.S.-Soviet power rivalry. Beijing's objective, despite disputes over the location of the border between China and India, was to keep India from seeking protection and arms from the United States. Nehru's objective, in addition to keeping border disputes from getting out of hand, was part and parcel of his grand strategy of resisting the bipolarization of world politics—leading him to accept China's membership in the “nonaligned” movement. The 1960s and early 1970s, with the emergence and widening of the Sino-Soviet split, was the most dangerous era for the relationship between China and India, with Beijing backing Pakistan in the 1971 war over Bangladesh, and Moscow backing India. It was also the worst period for the U.S.-Indian relationship, as the Nixon administration, then still giving priority to its opening to China ahead of détente with Russia, tilted toward Pakistan. The depolarization of international relations over the ensuing two decades (despite the efforts of Ronald Reagan during his first term to revive the communism versus democratic capitalism definition of global politics) encouraged both Beijing and New Delhi to substantially de-politicize their foreign policies – establishing their own bilateral and multilateral economic relationships in the region and globally on the basis of pragmatic self-interest considerations. And with the disappearance of the Cold War system, in which the contest for ascendancy between the two superpowers substantially determined who got what, when, and how in the world, India and China, now weighty players in the central arenas of the global economy and polity, are themselves influencing how the larger system works and are no longer only its creatures. This heady sense of their own power can be liberating in that New Delhi and Beijing do not have to worry much about alienating any superpowers. But it also can lead dangerously to less constrained foreign policies, including toward one another, and thus to the continuing, if not increased importance of *Panchsheel*.

IV. Global Power and Global Responsibilities

China and India, each having ascended to the rank of global “great power” – a country whose economic and/or military weight, if added or opposed to programs or projects of worldwide significance, will be crucial to their success or failure – have a compelling claim to a seat at most councils of decision on matters of global impact. The serious consideration now being given to India's bid to become a permanent member of the United Nations Security Council reflects such elementary prudence, as would the willingness of the so-called advanced industrial countries to enlarge their limited-membership “Group” conferences to include these two Asian giants, not just Japan.

Being a global power however also carries with it responsibilities toward the global society – increasingly interdependent in its material dimensions, but severely lagging in shared responsibility for providing for essential global public goods and world interests. As the only two “developing” countries (with the possible exception of Brazil) who have made it into the great-power category (although continuing to face daunting internal challenges of further economic development and domestic peace and security), their leader-

ship (or lack thereof) on international issues crucial to the transformation of interdependent global society into a genuine global community of accountability and care will have a lot to do with whether polyarchy goes the other way: degenerating into a Hobbesian world in which force is the principal determinant of who gets what, when, and how.

No longer simply victims of the world system, but now also significant perpetrators of the system's ills, China and India – in the ways they deal with one another, and with other nations – will have to take increasing responsibility along with the United States, the major European countries, Russia, and Japan for advancing or dangerously neglecting the following global public goods and world interests:

Ensuring the healthy survival of the human species. This requires, with special urgency, bringing two threats under control: (1) the further spread of weapons of mass destruction (WMD) and the likelihood that countries possessing them will resort to their use in conflict; and (2) the increase in global warming to levels where the prospects of its harm to billions of people will be irreversible. The records of India and China are at best ambiguous and ambivalent with respect to the WMD problem. And with respect to global warming, they and the United States (the three being the main culprits) are still woefully lagging in their willingness to do what is needed to counteract this dangerous trend before it reaches the tipping point of irreversibility.

Reducing the role of force in world politics. In addition to taking a more forthright stance on preventing the spread and use of WMD, both countries, rather indifferent to the nature of the regimes to which they sell arms and the uses to which they may be put, should be helping to reign in the burgeoning global arms bazaar. Reducing the role of force also requires fostering a greater reliance internationally on the arts, processes, and institutions of conflict moderation and a reduced reliance on saber rattling, publicized tests of the weapons in one's arsenal, and coercive diplomacy. Neither China nor India (despite the Gandhian tradition still invoked by some of its leaders and Indian participation in international peacekeeping) has an exemplary record in regard to this world interest. (Although to be clear, neither does the United States).

Maintaining a well-functioning global economy. Although China and India have been very active in international institutions (the International Monetary Fund, World Bank, and World Trade Organization) and forums (e.g., the Doha Round) in demanding the elimination of barriers to their products and investments, their records are hardly stellar when it comes to reducing their own barriers not only to the entry of goods and assets from the industrialized world into their own markets, but also to lower-priced imports from developing countries. Demands for reciprocity in the reduction of such barriers as a precondition for one's own cooperation have become a game pursued by governments of rich and poor countries alike, catering to politically-influential but economically uncompetitive sectors of their societies. India and China, in the world interest and their enlightened self-interest, should be willing to join in serious efforts to break out of this ultimately self-destructive pattern. Both countries will also need to be more amenable than they have been in subjecting their decisions on the domestic supply and purchase-value of their currencies and their international exchange rates to international constraints, as well as in making their banking systems more transparent. During the coming decades, there is a real danger that both countries will increase their rivalry for foreign direct investments in various industries by promising lower factor costs (environ-

mental controls, labor wages, and conditions), which would result in GNP growth but perpetuate or exacerbate domestic income inequalities and poverty. But in the long run, this would be bad – economically and politically – for China, India and the world. Bilateral and multilateral consultations and cooperation to avoid this most immoral “beggar-thy-neighbor” competition may be necessary.

Another problem that needs to be dealt with in the interest of a well-functioning global economy is the handling of intellectual property rights. There is a legitimate case to be made for limiting the role of copyrights on medicines and other health related research and materials. But India and China should be wary of alienating the United States and other countries when it comes to protecting the legitimate commercial rights of original producers in the arts and sciences generally.

Arresting disturbances to vital ecologies. India and China, along with other countries, are sources of widespread ecological and environmental disturbances, carried by air and water currents and by mobile wildlife and organisms, that in addition to being injurious to the health of peoples, have economic and political consequences that ultimately threaten world peace and security. Contaminated water caused by manufacturing runoff, mining and energy production, and sewage into streams, rivers, lakes, inland seas, and the oceans, is the greatest cause of human sickness and death around the world, as well as a threat to aquatic life. Severe air pollution, caused by the effluents of various industrial processes, motor vehicles, energy-generating facilities and wildfires, is responsible for the deaths of millions of people each year. Deforestation, in addition to being a major source of the worsening greenhouse effect, is a cause of important biodiversity loss. Although primary responsibility for arresting such ecological disturbances resides with the governments of China and India insofar as major disturbances are occurring within their jurisdictions, the nationally formulated programs will be often insufficient in the case of global or transborder ecologies, and national prerogatives for managing resources will have to be shared with global or regional regimes. India and China, both very covetous of their sovereignty over their own resources, will have to make substantial adaptations to this world interest.

Respecting cultural diversity. One of India’s proudest self-concepts is as a multicultural, multi-religious country. And in this characteristic, as well as in the challenges it has been facing in handling the difficulties of multiculturalism, India has much to share with the world, which as a whole, but also increasingly in country after country, must operate as a multicultural polity. (China, given the way it has repressed the Tibetans, the Uighurs, and the Falon Gong, is more of a model as to how *not* to function as a multicultural polity.) India is hardly an unalloyed model, however, for how to run a diverse polity. Aggrieved linguistic, ethnic, and religious minorities have periodically staged violent protests that on occasion have been brutally put down. And the festering self-determination demands of the Muslim-majority population of Indian-controlled Kashmir can provoke the government in New Delhi, especially when the Hindu nationalists are in power, to overreact. India may well be in for more international pressure to accord Kashmir greater autonomy insofar as the United States and other governments link Pakistan’s cooperation in countering the Taliban and Al Qaeda to India-Pakistan détente vis-à-vis Kashmir. Thus India’s successes and failures in its great multicultural political experiment are unavoidably under a world spotlight.

Accepting transnational accountability. Furthering these world interests will require of both India and China much greater accountability to the rest of the world than either, with deep scars from past intrusions, has deemed compatible with its sovereign prerogatives. But transnational – indeed, global – accountability is the key responsibility that comes along with the prerogatives of being a great power. The accountability principle holds that those who can or do crucially affect the well-being of others (especially by inflicting harm) are answerable to those who they immediately and directly affect, and to the larger society whose well-being, norms, and behavior are implicated. In its most rudimentary mode, accountability means that those feeling that they have been harmed by others are given opportunities to express their grievances, and those allegedly responsible for the harms are expected to explain the reasons for their actions. In its higher modes, accountability can range all the way up to institutionalized consensus rules or prohibitions on certain members of a community acting without the approval of all the members. At whatever level accountability processes and obligations are instituted, however, their hallmarks are reciprocity and mutuality. As India and China become more influential actors in the international system, each of them has the right to expect that others will be accountable to them in the higher and substantial modes – according them weighty roles in the councils of decision. The big question – and it will be present when it comes to WMD controls, the abatement of global warming, limitations on the use of force, management of the global economy and ecologies, and the treatment of self-determination movements – is whether India and China are ready to be not only mutually accountable, but also accountable to others in the evolving world community.