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Journal of International Relations

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Preface from Chief Editor

When this issue of JAIR Journal of IR reaches our readers the complications sought to be created by India's northern neighbour over the visit of the Tibetan religious leader to Tawang monastery will have blown over. It was a test of resoluteness on the part of policy establishment of one country, and not an act of bravado just to antagonise the otherwise jittery leadership of another. Although the event passed off without creating much ado, this upfront handling must have sent the intended message to every agent, within and around India. Time has arrived when certain things simply cannot be allowed to go unanswered. It would be welcome if those "certain things" which pin prick the internal sovereignty of a nation do not recur. But the inescapable fact is that those things keep coming back in one form or other. From staple visa to CPEC (China Pak Economic Corridor) or express opposition to name and shame a country sheltering proven terrorists even via UN bodies may well imply that normality in bilateral relations is not getting valorised the way it should be. The professed intention of the present leadership in Beijing in this respect needs to be buttressed by at least a "live and let live" attitude.

Speculations on the underlying motives or any long term design behind this type of conduct may, for the time being, be kept on hold. Rather, what calls for a close look and is really worrisome lies on our side of the situation. That points to the studied silence of a section of informed public in this country on even such sensitive matter. When read with the advisory to be 'deferential rather than confrontational' from some other quarters, one cannot help being wary of domestic interest groups' outlook towards the vital issue of national security. Plainly, this can imply that the energetic stance of the government is perhaps at a discount. At issue here is the rationale of a policy posture which needs to make a distinction between diffidence and arrogance. True, situations can and do occur when discretion outweighs valour but then discretion also presupposes the nerve to steer clear of a difficulty. Lack of that disposition or sheer failure to demonstrate it in proper measure puts a nation in jeopardy – when and how is anybody's guess. The impression that the external actor gets from a contrary attitude taken by a section of the public is not without its consequence. To scan and assess government policy is surely within the acknowledged rights available to all in this country. And it is good public diplomacy if critical inputs pass unhindered from civil society to decision makers. Nonetheless public diplomacy will be at its best if an energetic stance of the government, so long very rare in this country's foreign relations, also receives due support from its people who are knowledgeable and also from people who get guided by vocal interest groups. To be able to call a spade a spade may not be in the best tradition of pacifists in those circles; yet swelling the rank of peaceniks does not serve much purpose when a nation is required to speak in one voice. At least the brave citizens of Arunachal who are in the thick of it could legitimately expect that much from the rest of India. So did the defence forces too, encountering 24X7 terrorists within and outside, and especially after their surgical strike beyond LOC on the west. For terror exporters on the other side this was a bolt from the blue, till date something absurd to apprehend from a country of infinite endurance. So when that kind of a rebuff really happens and a section of the opposition doubts its veracity, one cannot help wondering who is there waiting to be given that kind of unsolicited reassurance. Time has come for such mind set to change if national solidarity still has some meaning to be retained.

The present decade is also marked out for India to reinforce its relations in the immediate neighbourhood. Till date whatever dividend neighbourhood diplomacy could earn through strategic

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engagement and well meaning gestures stands in danger of being offset by non delivery or delayed delivery of what has been pledged in all seriousness. Unredeemed promises are a potent source of throwing neighbourhood diplomacy into disarray. Of late, a most uncomfortable situation in this regard has arisen following the stalemated dialogue with Bangladesh P M who came all the way from Dacca to expedite the Teesta water sharing project. No wonder a huge fund of good will of Bangladesh is at stake here, that cannot be put off just because a grim picture of shrinking water flow has been reported not before but during the dialogue itself. Whatever the basis of this pitiable reality it should have been communicated in all sincerity to Bangladesh government, including the alternative proposal of West Bengal well before it was made public, at the time the summit was in progress. In fact the whole question of river water sharing in South Asia as a whole, and particularly its eastern flank, calls for not just bilateral but trilateral or even multilateral deliberation of hydrologists and environmentalists from the concerned countries.

Unquestionably, times have changed and water use pattern has also diversified with growth of population, urbanisation and intensive cultivation technology. The simple formula under classical international law of a balanced apportionment between upper riparian – lower riparian beneficiaries stands in need of reformulation to address the varying ground (in literal sense) realities facing the stake holders. A sub-regional board of experts for river basin management should render objective guidelines to be followed in respect of any river water sharing exercise. This would naturally take time. As an ad hoc measure, therefore, the Government in Delhi has taken immediate cognizance of the need to probe how far the high altitude dams constructed by Sikkim on the Himalayan rivers including Teesta has impacted the on-season / off-season flow of water. Parallel to that note should be taken of the pattern and quantum of drawal of water over time by respective states within India before a river's downward entry into any neighbouring South Asian State.

One thing in this episode deserves mention, and that is the significance that the centre attaches to the federal background against which policy making must proceed. It has happened earlier also in respect of the Ganga water sharing mediated by the then CM of West Bengal. Now, there is this larger perspective which federal structure of a State enjoins upon foreign policy making. Perhaps this has not received so far the kind of comprehensive and critical treatment it deserves. Be it river water sharing, illicit border trade, cross border arms smuggling, refugee influx (even terrorist spill over) and, certainly, connectivity building in relation to both commerce and security management, each such area demands a thorough study and definitive position papers. The pattern of jurisdictional delineation as laid down in the constitution clearly gives the Union Government the due amount of precedence in framing and implementing policies of international import and also incidentally touching centre state relations. Implied in the process is the need to consult the concerned states before proposing and finally launching a policy that involves state interests to a significant extent. As a backgrounder, each state should also keep itself equipped with technical expertise on multiple issues of shared interest between the centre and the states in foreign relations. This is a relatively under – appreciated matter for which the overloaded and ever shifting state bureaucracy may not provide the requisite assistance. The mainstay should instead be found in select and competent state level experts in IR and Area Study, working separately as well as collaboratively in some recognised professional bodies.

Before signing off, it will be my earnest appeal to members of JAIR and its well wishers across the country to ensure due appreciation of the multi-layered efforts that make for the acknowledged quality of this Journal by the academic forums they visit or are associated with. At the end, my very best wishes to all state-based chapters of JAIR with the onset of locally celebrated new year.

Radharaman Chakrabarti

Chief Editor

JAIR Journal of IR and All India President, JAIR.

Author Information Guide for Publication in the JAIR Journal of International Relations

Criteria for Publication

The principal criteria for publication of papers (Articles) in **JAIR Journal of International Relations** are that they:

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- Are of outstanding importance in the field of International Relations/related social Sciences
- reach a conclusion of interest to an inter disciplinary readership.

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To reduce delays, authors should ensure that the level, length and format conform to JAIR Journal of International Relation's requirements, at submission and each revision stage. Submissions should be accompanied by a cover letter stating briefly why the conclusion is an important international advance and the author's case for the work being published in the JAIR Journal of International Relations. Authors are strongly encouraged to attempt two 100-150-word summaries, one to encapsulate the significance of the work for readers of the journal, mainly the social scientists; and the other to explain the conclusions at an understandable level for the general public.

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The first stage for a newly submitted Article is that the editorial staff considers whether to send it for peer-review. On submission, the manuscript is assigned to an editor covering the subject area, who seeks informal advice from academic advisors and editorial colleagues, and who makes this initial decision. The preliminary judgment is not a reflection on the qualitative validity of the work described, or on its importance to people in the same field. Once the decision has been made to peer-review the paper, the choice of referees is made by the editor who has been assigned the manuscript. Most papers are sent to two or three referees, but some are sent to more or, occasionally, just to one.

Format of Writing an Article

Articles are original reports whose conclusions represent a substantial advance in understanding of an important problem and have immediate, far-reaching implications. They do not normally exceed 8 pages and have no more than 50 references. (One page of undiluted text is about 1,300 words.)

Articles have a summary, separate from the main text, of up to 150 words, which does not have references, and does not contain numbers, abbreviations, acronyms or measurements unless essential. It is aimed at readers outside the discipline. This summary contains a paragraph (2-3 sentences) of basic-level introduction to the field; a brief account of the background and rationale of the work; a statement of the main conclusions (introduced by the phrase 'Here we show' or its equivalent); and finally, 2-3 sentences putting the main findings into general context so it is clear how the results described in the paper have moved the field forwards.

Articles are typically 5,000-8000 words of text

The text may contain a few short subheadings (not more than six in total) of no more than 40 characters each (less than one line of text in length). Articles typically may have not more than 5 or 6 display items (figures or tables).

The rest of the text is typically about 1,500 words long. Any discussion at the end of the text should be as succinct as possible, not repeating previous summary/introduction material, to briefly convey the general relevance of the work.

Word counts refer to the text of the paper. References, title, author list and acknowledgements do not have to be included in total word counts.

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For Books

One author

1. Michael Pollan, *The Omnivore's Dilemma: A Natural History of Four Meals* (New York: Penguin, 2006), pp. 99-100.

Two or more authors

2. Geoffrey C. Ward and Ken Burns, *The War: An Intimate History, 1941-1945* (New York: Knopf, 2007), p.52.

Journal article

Article in a print journal

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International Security Concern: With Special Reference to China-Pakistan Economic Corridor

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ABSTRACT

Nations having common interests and objectives are impelled to enter into regional pacts to secure themselves from internal and external threats. A state seeks ways and means of self-defense but, in case of common threats, a state tries to make a common cause to align other states against it. Common ideology is also important factor, sometimes persuades nations to enter into pacts to secure their interests. Common racial, cultural, and economic backgrounds are normally helpful in inducing states to build regional arrangement. People's Republic of China-Pakistan is all weather friend and long term strategic partner in Asian region. The paper has explored the diplomatic relations of China with her neighboring states and the cost benefit analysis of these relations. Major part of this paper discussed One Belt One Road and China Pakistan Economic Corridor which is the dream project of China.

Keywords: Security, National Security, Foreign Policy, International Support, Idea of Borders, Conflicts, Dominance.

Introduction

'Security' was a key political concept prior to 'national security' gaining center stage after World War-II. Emma Rothschild (1995: 61-4) traces the many and quite different meanings the word 'security' had before the French Revolution. She notes that what unites modern uses of 'security' is a concern with the relationship between the individual on the one side and the larger collective on the other. Moving from the French Revolution to the American Depression of the 1930's, Mark Neocleous (2006) and Arnold Wolfers (1952: 481-2) point out that this period linked 'security' to questions of welfare and economics, not to the national and military security of the state.

China-Pakistan Economic Corridor (CPEC) is a major and pilot project of the One Belt and One Road Initiative which is proposed by Chinese President Xi Jinping. CPEC has become the framework and platform for comprehensive and substantive cooperation between China and Pakistan. In May 2013, Chinese Premier Li Keqiang proposed the initiative of CPEC during his visit to Pakistan, which immediately got positive response and support from the Pakistani government. In July 2013, during Prime Minister Sharif's visit to China, an MOU was signed to start work on CPEC. The project promotes a "1+4" pattern of economic cooperation, featuring a central role of the CPEC and four key areas including the Gwadar port, energy, transportation infrastructure and industrial cooperation.

The uniqueness of CPEC is that it operates as an investment package as well as an actual corridor. The proposed plan is to develop over the next several years a 3,218 kilometer long route which comprises highways, railways and pipelines. The corridor will include 2,000 kilometers transport link between Kashgar in North-Western China to Pakistan's Gwadar Port on the Arabian Sea via roads, railways and pipelines. Major share of the investments is going to be for the energy projects especially Gwadar port.

Out of the US \$75 Billion estimated as cost of the project, US\$45 billion are directed to ensure that the corridor is functional as early as 2020 while the rest of the amount is allocated for energy generation and infrastructure development. The total worth of the corridor inclusive of the projects is estimated around US \$51.5 billion, of which 61% of will be spent on Pakistan's energy sector with the object to develop the system capacity, transmission and the distribution network. The remaining amount is directed for infrastructure, transport and communication. The first set of projects are stated to be operative by 2018 adding 10,400 MW to the national grid while the remaining projects are divided into short-term (2020), medium-term (2025), and long-term (2030) projects.

CPEC is the latest addition to the growing collaboration between China and Pakistan. The CPEC being termed as 'Marshall Plan' for Pakistan now epitomizes the continuously growing strength of their alliance. The project is being welcomed by others with the CARs, Iran, Saudi Arabia, Turkey and even the EU amongst others having shown interest in getting involved with CPEC.

Background

The two neighbors collaborating will have a deep impact on the world and especially South Asian nations. The collaboration between the two nations is viewed with skepticism by New Delhi and an assessment of the project on India's foreign policy needs to be made. The project shall have an impact on Pakistan's domestic and internal issues as well. Smaller provinces like KP and Balochistan are being taken on board to ensure a united front is made before the world. Balochistan has shown concerns about Gwadar development and the Baloch fear that this project will be hijacked by outsiders. The project provides an opportunity to Islamabad to regroup its provinces into a proper nation. The does not bode well for New Delhi which recently unabashedly supported the call for the secessionist movement in Balochistan.

India's stance on the Balochistan narrative shall now have to radically alter considering Pakistan's proclamation of the Balochi province as one of the 5 Pakistani provinces. This would employ that while India continues to employ international pressure against the oppression in Balochistan, this can no longer serve as a sole policy alternative. India while opposing its infringement of sovereign rights with Pakistan Occupied Kashmir needs to acknowledge that it cannot support China with CPEC, as long as the OBOR programme, which is crucial to CPEC, continues to compromise India's sovereign interests and serve as a geopolitical hassle for foreign diplomatic relations between India and Pakistan.

Therefore, while India cannot support China's interests in CPEC by granting open diplomatic sanction to these projects, India would also have to acknowledge that China as a major political element in the South Asian political landscape cannot be ignored particularly on a socio economic front. Keeping this background in mind, India while not acknowledging CPEC would have to develop its own alternative narrative with China in order to ensure that India does not get left behind in the race to tap into the Asian economic market.

India should draw with China a particular agreement to the effect that India will not oppose the stance of China openly and will indirectly be a contributor to the CPEC project. This can be India's stance in return for an understanding that China will not interfere with India's claim for sovereign interests in Pakistan Occupied Kashmir (POK). Further, China will not interfere with the interests of India in its dealings with other countries or territorially intimidate India. Meanwhile, given China's historical turncoat behaviour towards India, the attempt should be to continue setting up an alternative or more beneficial infrastructure and development discourse. Alternatively, another measure to counter Chinese dominance in the region and CPEC could be through adopting the Soft Border Approach.

The following shall be the major stances suggested in order to establish a policy stance on the part of India with regards to CPEC:

Stance A: Alternative Discourse on Infrastructure and Development in the Region

India should ensure, that the threat of Chinese influence over the Central and South Asian regions can be sufficiently curtailed, by entering into parallel alternative energy and infrastructure agreements both on the Central Asian front as well as on the East Asian front.

India should endeavour to build its own narrative on the basis of many strategic partnerships and FTAs it has signed in the past 15 years. India can put together our Look-East (now Act-East), Connect Central Asia, SAARC, IOR-ARC, India-Africa Dialogue, and engagements in Afghanistan and West Asia into one initiative. This can be linked with the International North South Trade Corridor, Project Mausam, Make in India, Digital India and other such initiatives. The narrative of the Look-East-Policy could be expanded to include China within its ambit, by concretizing initiatives under the BCIM (Bangladesh, China, India, and Myanmar) Corridor. These measures will ensure that India is not excluded from the connectivity superstructure that is implied in the CPEC and OBOR initiatives.

These measures, accompanied with the funding for infrastructure projects, involving the Asian Development Bank, the Shanghai Cooperation Union and the Asian Infrastructure Investment Bank should further these interests. This would also ensure that it employs efficiently banking and financial resources, whose use has been already been negotiated by the two powers through previous agreements. Further, it will parallelly ensure that the Chinese economic hand and market consolidation is also diverted to an East Asian market. This not only allows India to script its own economic narrative in the region, but would also allow India to foray into Chinese markets and would provide India with a say in the Chinese involvement in Indian markets. This would successfully ensure that the involvement of China, within Indian markets, would not be a violation of the Make in India policy of India but would also ensure that the Indian objectives under Look East Policy are achieved, thereby involving a counter and parallel solution to CPEC.

Central Asia

On the Central Asian front, India has already undertaken measures to develop an alternative energy and infrastructure discourse. Internationally despite Iran's rocky reception in the European and American political circles, India has always served as a strong political ally for the country. India had historically extended bi-lateral trade ties with Iran even prior to the United States lifting their nuclear and subsequently economic sanctions from the country.

Therefore, it comes as no surprise that India has entered into a trilateral trade transit agreement between India, Iran and Afghanistan on the southern port of Chabahar in Iran. The agreement would entail an investment of \$500 million in a deal to develop Chabahar as a strategic port in Iran and both countries have planned numerous projects worth hundreds of millions of dollars. India and Iran have also signed a number of agreements to promote technological, petrochemical and banking cooperation. India has also begun paying back \$6 billion in debt from past oil purchases, last week giving Iran \$750 million.

Further India has in its attempt to garner further goodwill and to promote its strategic interests is through this deal, developing a link between Central Asia and East Asia by establishing a strategic and alternative trade, energy and infrastructure corridor. In 2012, Iran was India's second-largest crude supplier but oil exports subsequently fell due to international sanctions over Iran's disputed nuclear program. Tehran has been seeking to reintegrate into the global economic system following a landmark deal with world powers that lifted sanctions in return for limiting its nuclear program. In the words of Iranian President Rouhani this deal has been touted as a significant one between India and Iran and has been described as, '*not just an economic document; it is also a political and regional one too.*' The international support has also voiced their support in favour of this trade agreement, the United States who has recently lifted economic and nuclear sanctions off Iran, has praised the deal as one which would serve as instrumental to the economic

growth and liberation of Iran. Further Japan who has been viewing the advancement of its nearest neighbor with a wary eye, has voiced their support in favour of India developing an alternative infrastructure dialogue in Central Asia linking India and East Asia with a resource rich Central Asia, while by passing Pakistan and by consequence, China.

India needs to capitalize on this International support to aid in furthering an alternative infrastructure and energy dialogue in Central Asia by ensuring this trilateral trade agreement between India, Iran and Afghanistan is efficaciously completed. Afghanistan too would serve as a valuable ally, ensuring that solely hostile neighbours on the western side of the Indian subcontinent do not engulf India. Afghanistan also plays a crucial role in ensuring the efficient transportation of this pipeline gas and therefore allowing India to bypass Pakistan and providing as a sufficient balance of power to the rising Pakistan Chinese energy and military dominance in the region. A cash strapped and development-starved Afghanistan would welcome this agreement which would open its doors to an alliance with India for future developmental collaborations. The agreement has already witnessed, Iran build a road from Chabahar to Milak on Iran-Afghan border. It will further be linked to the Zaranj-Delaram road constructed by the Indian Border Roads Organisation (BRO) in 2009 which will give access to Afghanistan's 'Garland Highway' providing connectivity to four major towns of Afghanistan namely, Herat, Kandahar, Kabul and Mazar-e-Sharif. India has also announced its intention to link Afghanistan via a rail network. It would also serve as a viable export opportunity for India and its various goods. Pakistan has in the past, always been wary of growing trade and strategic relationship between India and Afghanistan. It has been refusing to allow India to send goods and other essential commodities to Afghanistan using land routes passing through Pakistan. India and Afghanistan share historic relations from trade to culture and the people of the two countries want to take the bilateral relationship to the next level but Pakistan, taking advantage of land locked geography of Afghanistan, has always tried to create roadblocks.

The Chabahar Port, also stands to serve as an efficient counter to the Gwadar Port deal, further given the Pakistan Chinese alliance, this neutralizes any possibility of CPEC expanding to further Central Asian countries. The Chabahar port will allow India access to Afghanistan and Central Asian energy markets circumventing the Pakistan-China arc. This route would improve trade connectivity cutting down the time of trade with Europe by 50%. Eventually, India will be able to benefit from enhanced connectivity across Eurasia through the International North-South Transport Corridor (INSTC). The port would also allow India's outreach to strategically important Afghanistan and oil and mineral rich Central Asian Republic (CAR), the continuous reluctance of Pakistan to allow access to these landlocked regions through its territory, which is the only over-land access available presently, shall be overridden by this deal.

The Chabahar port is situated in South Eastern part of Iran, and on the northern coast of Gulf of Oman. It is surrounded by Afghanistan in the North, Pakistan in the North-East and India in the East. It is the only Iranian port with direct access to the ocean. From a maritime security perspective, this deal would aid in preventing China from achieving the potential of its internationally criticized 'String of Pearls' theory while also ensuring India can extend its ambitions in the India Ocean as well as developing a Central Asian base in the Gulf of Oman.



Courtesy: Ministry of External Affairs

Stance B: Soft Borders

In the context of international relations, the idea of borders has been revolutionized wherein the physical demarcation in the strictest sense has ceased to have the impact it once had in terms of restraining flows of people, information, goods etc. due to the ease and mobility brought in through the advancement of technology, as well as the emphasis on collective growth of the international community through a borderless world, new security dilemmas such as climate change and diseases and the creation of powered regional landscapes. It is within this dynamic concept of borders and the question of how they should be drawn that we begin to evaluate soft borders, and the possibility of applying it as a counter to the China-Pakistan Economic Corridor.

To begin with, the concept of soft borders propagates that there should be a continuous, permeable border of contiguous states usually, whether two or more than two in number, such that there is movement of trade and individuals with increased economic interaction to benefit the states that are within the route that the border draws out. The benefit that a soft border provides is that it unites the region through promoting collective growth and international ties, while also individually creating opportunities within the borders in the economic domain.

The concept of soft borders needs to be seen in contrast to the concept of hard borders- while hard borders have a way of fuelling international relations which breed inequality, fear and exclusion as well as exacerbated vulnerabilities of weaker states along borders, soft borders in contrast exhort the international community to recognize the malleability of international borders with the scope for negotiation between sovereigns and the polities within them to seek mutual growth and development. The concept of hard borders is an obstacle to economic and social cooperation which are obligations undertaken by states as members of the international community through their ratifications and actions in consonance with such principles while soft borders on the other hand promote increase in accountability while promoting the interests of individuals within and beyond borders while creating a transnational or global identity.

However, while the benefits of a soft border can be enumerated, it is to be drawn out through analyzing past actions of states which have pushed for soft borders that such borders can lead to losses and increased insecurities as well, stopping short of war. Take for instance, the soft border which was created between Russia and Ukraine which were prima facie pushed for on the argument of promoting the interests of neighbouring countries but resulted in providing room to Russia to maneuver the terrain of Ukraine by basing themselves on a strong European tradition of encouraging such interaction. We can also take the example of the split of South Sudan in 2011 and the

endeavour (as praised also by the African Union) to allow continuous trade through a soft border along the African boundary which has resulted in detrimental effects on the indigenous communities and their livestock as well as the disputed oil-rich territory itself of the border. These examples reflect that often in the past, the attempts to create, sustain and benefit off a soft border has seen covert intent of power usurpation or conflicts between regions or primacy of the state and its security over the promises made in the international domain.

In order to tackle conflicts, and make soft borders workable, there is a need for certain actors in the international arena to act in a certain manner. In the context of states, political leadership and intelligentsia need to engage in rational regional decision making which promotes as more pragmatic the benefits of regional integration such as common markets, trades, seasonal migrations etc. over political stalemates. Looking at it from an economic point of view, we can understand the decision making process through the lens of game theory whereby the most efficient action for the actors shall be to cooperate with each other to promote growth for the region and for individual actors within that paradigm too through opportunities and reduced insecurities. Further, there is a need for local border administration which is negotiated upon by the states involved with sufficient knowledge to the borderland population such that their interests are reflected. There is also a need to promote the identity which is cross-border in nature within the borders in order to prevent conflicts and hostilities as well as stereotyping of individuals.

In the context of NGOs and other similar organizations, there should be an endeavour to create projects which involve individuals being affected by the soft border and endeavour to mediate when disputes arise. They should also carry out capacity building exercises for experts in order to train them in border enhancement and conflict management.

Countering China's Dominance

After evaluating the concept of soft borders, its detriments, case studies of failed soft borders as well as recommendations to correct gaffes made in the operation of such soft borders, we now seek to evaluate whether such borders have the capacity to dilute the power narrative China intends to set forth by establishing a stronghold through the Economic Corridor (CPEC).

An issue of political importance between India and Pakistan is that of the settlement of the Kashmir border and it is being suggested that in contrast to a final settlement, soft borders can be pursued by the two countries and it is this which shall lead to the integration of India into the China Pakistan Economic Corridor. It would have the effect of regional cooperation as well as averting the main point of contention between India and Pakistan over POK with the idea being that disputes of the colonial times should be left in the past, and there is no effective solution for them, but to move forward and cooperate. Further, this soft borders route would also have the result of resolving certain settlement issues of the Durand line between Afghanistan and Pakistan.

If India has a soft border from its Kashmir side, it could unlock Kashmir and make it part of a much grander regional transportation network, with Srinagar as one of its important nodes. Traditionally, this had been a part of the original Silk Route pursued by diplomats, connecting Central Asia, Kashgar, Ladakh and Delhi. This route would ideally be extended from Kashnagar and Kashmir while terminating in Gwadar in Baluchistan. The route could be further expanded to extend from Central Asia to Afghanistan, from where Iran can be reached through Herat. This way the western imperial barricade would finally disappear and impetus would be given for growth in the region. This soft border would provide for regional inclusiveness to the OBOR project which is manifested in the CPEC with India as a key player with the ability to wield power.

From the perspective of international consistency as well, where in the international arena the words and actions of the top level diplomats and leaders of a state are reflections of their stance,

we can look into statements made by the former Prime Minister, “*we need soft borders – [as] then borders are not so important. People on both sides of the border should be able to move freely.*”

The tangible benefits that we can see as a direct outcome of pursuing a soft border policy are economic enhancement of the region and in particular, for the Indian economy with creation of opportunities, the reduction of insurgent activity in the Kashmir region with envisaged enhanced integration of Kashmir into India, improvement in the skewed imbalance of trade and cooperation in the economic domain between India and China while also allowing India to push for benefits of an economic nature that are more suited to its interests given its vital location. Further, the other benefits that are envisaged are that the costs of transportation across this route to China shall be reduced and this will make Indian goods more competitive in the Chinese market in a manner that it provides India an opportunity to expand its market while establishing itself in the international economic community further.

However, while there are benefits that we see as emerging from the CPEC, we also need to keep in mind the risks associated with such a soft border and need to negotiate to have in place the agreements which pursue India’s and the region’s interest without vulnerability or increased risk to India of hypocrisy by China in enforcing soft border agreements as at the time of Tibet or the abetment of terror by Pakistan in India. A soft border is based on the context of trust and mutual cooperation and India should seek such a border only on adequate action or confirmation through negotiation with states such as Pakistan and China to not deliberately act against the interests of India.

Further, it is also imperative that India make known the agreements and their obligations to the international community, so as not to merely, in the event that they are not honoured, have to pursue arbitration or mediation or other such processes, but also to have the support and backing of the international arena for having upheld its promises while being faced with actions beyond the economic domain which are detrimental to the dignity of the international community as a whole with the sole endeavour of power usurpation.

Apart from the above ideas which are specific to the context of CPEC, India should also focus on the actors such as NGOs and individuals (communities along the borders) to generate awareness as well as a narrative of the economic cooperation and the central position, geographically and with economic might that India presents to the soft border narrative apart from state roles.

Conclusion

In order to establish a favourable power dynamic in the South Asian region, India needs to establish an alternative infrastructure and development discourse with Asian nations primarily which are currently not a part of the CPEC Project. The need of the hour for India is to move with clear-headedness to completing the Chabahar project. The prime minister of India has signed the Chabahar Port contract and a Trilateral Transit Trade Agreement with Iranian President Hassan Rouhani and Afghanistan President Ashraf Ghani. This contract promises an enviable number of benefits including the development and operation of two terminals and five multi-cargo berths at the Chabahar Special Economic Zone. Involving Iran in the CPEC is another ambition. With the current financial down turn in China, it is hard to predict whether CPEC will actually come to fruition. However, the trajectory and even a partial success would be consequential for limiting Indian influence in BRICS and SCO.

India over the next decade will focus on building and improving its infrastructure facilities to further the Make in India initiative promoted by the Government. As India cannot match China’s resources, India might find it beneficial to support some of the CPEC and OBOR initiatives as they will help regional integration and infrastructure building. Further India will soon be a part of the Shanghai Cooperation Organisation (SCO). It also hopes to connect with the EAEU. India has in some ways affirmed the OBOR initiative with its membership stake in the Asian Infrastructure

Investment Bank, an institution where essentially China takes the lead. As a necessary outcome, India will have to refrain from open resistance to some of the CPEC and OBOR initiatives when they become agendas of these organisations. India should draw with China a particular agreement to the effect that India will not oppose the stance of China openly and will indirectly be a contributor to the CPEC project. This can be India's stance in return for an understanding that China will not interfere with India's claim for sovereign interests in Pakistan Occupied Kashmir (POK). Further, China will not interfere with the interests of India in its dealings with other countries or territorially intimidate India. Meanwhile, given China's historical turncoat behaviour towards India, the attempt should be to continue setting up an alternative or more beneficial infrastructure and development discourse.

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China Threat Behind India's Nuclear Weapon Modernization Programme

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ABSTRACT

India became a self declared nuclear power after the Pokhran II test in 1998, since then India has dramatically expanded the quantity and quality of her nuclear arsenal. Among other factors China seems to be the strongest driver mainly due to the capability gaps in both conventional and nuclear forces that exist between the two states. Therefore India is committed in creating a strong strategic arsenal as its only means of credibly deterring China from possible threat or conflict. The scope of this paper focus on the events occurred after 1998 test and particularly examines to what extent the China factor determines India's nuclear weapon program. It attempts to explore India's threat perceptions of China and to what extent it drives Indian nuclear modernization and expansion.

Keywords: India, China, Nuclear weapon, Threat, Perception, Security Concerns, Weapon Modernization.

Introduction

When India conducted its nuclear tests in 1998, Prime Minister Vajpayee rationalised the action in a letter to President Clinton by referencing 'an overt nuclear weapon state... which has committed armed aggression against India in 1962.'¹ Ever since the border clash followed by nuclear test in 1964, China remains one of the major determinant of India's nuclear weapons program. The India-China security dynamic is one of asymmetrical, with China maintaining a sizeable advantage in both nuclear capability and conventional strength, his disparity has increased since 1998 as the Indian officials believe in the need for a strong strategic arsenal. At least, officials who justifies an expansive strategic build-up can easily point to China as a valid reason. Ample of evidence indicates that India has structured much of its nuclear program with China in mind. First, India has legitimate reasons to fear China's growing power. Despite increased engagement from both countries, mutual distrust remains as the territorial issues that drove the two states to war in 1962 have not been resolved. Perceived security gaps between the two nations are very real, as China has embarked on a much more comprehensive modernization program than India. Second, statements by political elites also indicate India's desire to strengthen its strategic arsenal. The split between political elites who want to avoid provoking China and the antagonists who do not shy away from belligerent statements, although both sides agree on closing security gaps with its much stronger neighbor. Finally, Indian capabilities of the nuclear weapons program itself seem more of a response to China than to any other nation. Although other factors, such as the desire for great power status, can also explain capability trends, but India's fear of China, combined with its own actions indicate that 'China threat' is significant in affecting India's nuclear weapons program.

Why China is a Threat?

In India two distinct threat perceptions of China exist, with more hawkish Indians viewing China as a current threat that must be deterred and moderates viewing China as a potential adversary that can be engaged.² Yet, both factions agree that the Indian military must prepare against

China. This desire for Indian preparations stems from three main reasons. First, outstanding issues especially the territorial disputes in the Himalayas are yet to be resolved between both states. Not only these issues may lead to open conflict, they also hinder further trust building. Second, China greatly surpasses India in a conventional sense, and the past decade has seen this divide increase as China has enjoyed significant economic growth. Finally, China also surpasses India in a nuclear sense, which has heightened hawkish perceptions of China as 'an existential threat from the north.' (Prakash, 2012, p. 20) Though the hawks and moderates may disagree on engagement strategies, but both sides come together on the need to close both the conventional and strategic gap with China.

Numerous issues have strained India-China relations as discussed below:

Demand of resource consumption: Both the states are experiencing periods of rapid economic growth, that has led to the increase in the demands of resource consumption. One resource, water, may become a 'potential source of enduring discord' between India and China, since most Indian rivers depend on Tibet as a source while China 'is now pursuing major inter-basin and inter-river water transfer projects on the Tibetan plateau, which threatens to diminish international river flows into India' (Chellaney, 2009, p. 38). Another resource, energy, may also lead to conflict since both states depend on increasing energy imports to fuel their economic growth.³ In particular, the ever increasing demand for energy has led to another source of tension, i.e. China's increasing presence in the Indian Ocean.⁴ Since 70 percent of all Chinese oil imports depend on the Straits of Malacca, and China has already undertaken massive infrastructure projects in Pakistan and true to many Indian hawks fear, the construction of overseas naval bases in the Indian Ocean, particularly in the Pakistani port of Gwadar has raised alarm in India.⁵ China, for its part, remains suspicious of Indian naval intentions and fears its power to disrupt Chinese sea lines of communications (SLOCs).⁶ This situation of mutual distrust may lead to open conflict.

Tibet Factor: The Indian people's support for Tibet is another area of contention. Although India recognizes Tibet as a province of China, it does provide refuge to 'more than 120,000 Tibetans and to the Dalai Lama' himself,⁷ which has become a point of contention with Chinese leaders as they clamp down on Tibetan insurrection. China has embarked on a massive program of infrastructure development of roads and railways to connect Tibet to the western parts of China, efforts that are likely to reinforce the People's Liberation Army's (PLA) logistic advantage over the Indian military (Smith 2014, 41).

China-Pakistan nuclear alliance: The crucial flashpoint that concerns the Indian security is China's covert assistance to Pakistan's own nuclear weapons program. This assistance has been well documented, although the details remain concealed in secrecy. It is very likely that China provided 'blueprints to [an] uranium implosion device' (Kristensen and Norris, 2011, p. 92) and fissile material for 'at least two nuclear bombs.' (Sidhu and Yuan, 2003, p. 54) China has also assisted Pakistan with its ballistic missile program, although countries like North Korea likely played a role as well.⁸ The India's Defence Minister George Fernandez responded that, 'China is the mother of this missile' (Tellis, 2001, p. 49.) when Pakistan announced its Ghauri intermediate range ballistic missile (IRBM). On 27th June 2002, Newstime reported China's assistance to Pakistan by providing it with a test designed of a nuclear warhead, M=9 and M-11 ballistic missiles. Due to Chinese extensive assistance, many Indian hawks have connected the Pakistani nuclear threat with China. Mohan Malik argue that Pakistan is a mere pawn in 'Beijing's encirclement strategy' (Malik, 1999, p. 34). Moreover, any further advances in Pakistan's strategic arsenal are viewed as evidence of China's continued meddling and threat to India via proxy.⁹ China's Pakistan strategy is also viewed as an attempt to divert 'New Delhi from its pursuit of a larger global role' by empowering a regional rival. (Tellis, 2001, p. 733) Many Indians view Chinese assistance to Pakistan as part of a larger scheme to circumscribe India. This issue will likely continue to fuel distrust and hinder any efforts at confidence-building measures (CBMs).

Expansionist China's Foreign Policy: Another issue most likely to bring China and India into conflict stems from what Indian hawks see as an increasingly 'expansionist' Chinese foreign

policy.¹⁰ Specifically, India is concerned with China's actions in the disputed territorial zones of Aksai Chin and Arunachal Pradesh. Recently, China has embarked on a campaign of 'improved infrastructure in Tibet,' which has heightened the Indian threat perception in the area.¹¹ The most recent high-profile intrusion occurred in April 2013, in the Aksai-Chin/Ladakh region. An entire platoon of Chinese soldiers encamped in a disputed area for two weeks, which sparked anti-Chinese protests within India. Eventually, the issue was settled peacefully, but the argument over where the border should be drawn continues. As the two states have increased their military presence in both border regions, hawks view another flare-up as increasingly likely.¹² The border areas are also of particular interest to Indian analysts who fear a potential Chinese nuclear blackmail. Many Indian military officials believe China possesses missiles that may be used as low-yield tactical nuclear devices, and that 'conventional operations could therefore seamlessly escalate into a nuclear exchange' (Kampani, 2013, p. 119) in these regions.

China's Nuclear Policy: Besides fears of escalation, hawkish analysts also fear potential nuclear war mainly because China's no first use policy is not applicable to hostilities in the disputed regions. Since China believes the areas are Chinese territory, these analysts argue that it can conduct a nuclear strike on Indian forces while claiming it has not attacked Indian territory itself. Furthermore, hawks have argued that China has already deployed missiles in Tibet to target India, a claim that China has consistently denied. Although these fears of a Chinese first-nuclear strike following a conventional conflict seem limited to the most hawkish Indians, and in particular military officials, their arguments are reinforced by the strong distrust exhibited between China and India. While China has nuclear de-targeting agreements with both Russia and the United States, it does not have any similar agreements with India.¹³ Though, India has multiple nuclear CBMs with Pakistan, it does not have a single nuclear-related CBM with China.¹⁴

Capability gap between India and China: Besides issues that could lead to potential conflict, Indian security analysts also worry over the capability gap with China. In both economic and conventional military parameters, China has become a more threatening entity since 1998. In that year, India's GDP was \$428.7 billion while China's was \$1.02 trillion.¹⁵ By 2013, China's GDP had grown to \$8.23 trillion while India's had only grown to \$1.84 trillion. The economic gap between the two increased by a factor of 10.88. China's strong economic growth has helped fuel an increase in military spending, which also greatly outclasses India's. In 2013, India's total defense budget was \$46 billion while China's nominal defense budget was \$117 billion,¹⁶ although many analysts in the U.S. Department of Defense believe the number is much higher (ranging from \$135 to \$215 billion). Though doubts exist as to exact budget numbers, what is not in doubt is the huge spending gap that exists between the two states and this gap has only increased over the years. The higher level of spending on defence has ensured China's conventional superiority over India. In terms of personnel, China has a smaller ground army than India with 850,000 compared to India's 1,100,000.¹⁷ Nevertheless, it retains a significant equipment advantage. China has 5,900 main battle tanks, 2,800 infantry fighting vehicles (IFVs), and over 1,750 armored personnel carriers (APCs)¹⁸ while India has 1,830 main battle tanks, 100 IFVs, and 165 APCs.¹⁹ China retains a similar equipment advantage in the airforce, with 1,162 combat aircraft compared to India's 659.²⁰ Although, a smaller difference exists in terms of fourth generation fighter aircraft; China has 395 while India has 359.²¹ In terms of naval strength, India has more carriers and corvettes than China, with two carriers compared to China's one, and 24 corvettes compared to China's 11.²² China, however, retains a substantial advantage with submarines, destroyers, and frigates, with 65 submarines compared to India's 14, 23 destroyers compared to India's 8, and 50 frigates compared to India's 15.²³ Overall, China has more personnel with 1,583,000 compared to India's 1,323,000²⁴ and with a budget that continues to grow faster than India's, this conventional difference will likely continue for years to come.

China has also retained a sizeable advantage in the nuclear sphere. Due to the secrecy of its strategic program, it is a difficult task to accurately estimate China's nuclear arsenal. The Bulletin

of Atomic Scientists estimated that China had approximately 400 nuclear warheads in 1999,²⁵ but the organization downsized the arsenal to approximately 200 warheads in 2006.²⁶ Nonetheless, analysts like Hans Kristensen are confident that China is actively increasing its arsenal, with the 2008, 2010, and 2011 reports listing an increase to 240 warheads,²⁷ while the 2013, report described another increase to 250 warheads.²⁸ The recent report, 2016 describes adding up of 10 warheads tallying to 260.²⁹ These increases would make China the only UN permanent Security Council member nation actively expanding its nuclear arsenal.³⁰ India, by contrast, has had a much more spectacular increase, going from 30–35 warheads in 2002³¹ to 80–100 in 2011³² and 110–120 in 2016. Yet, despite India's progress, China still maintains more than twice as many weapons. Moreover China has also retained its technological advantage as it modernizes its ballistic missiles.³³ China has already deployed missiles, such as the 'new DF-21 Intermediate Range Ballistic Missile (IRBMs),' near 'Da Qaidam in Qinghai Province, as well as new DF-31s in central China,' which can "provide coverage of major strategic targets in India" (Lewis, 2013, p. 91) In contrast, only one of India's operational missiles, the Agni III can reach deep into China but parts of the country remain out of reach. The Agni V has been successfully tested and can cover all of China, but it will take some time to be inducted in the Indian military. India has certainly made tremendous strides in its nuclear weapons program in the past decade. Nonetheless, in terms of both quantity and technological sophistication, China retains a strong lead.

Not everyone in India sees China as a threat. Furthermore, moderate proponents have rightfully pointed out that in the past decade, Sino-Indian ties have been on an upward trend. The most dramatic example of this positive engagement has occurred in the economic realm, in which 'trade volume increased from a paltry \$260 million per year in 1990 to \$13.6 billion for 2004' (Lal, 2006, p. 138). A decade later, trade has reached \$49.5 billion, Times of India reported that China has become India's largest trading partner.³⁴ Energy officials in both the government and commercial sectors have also come together in joint-bids, which has upset many predictions that competing energy demands would become a new point of conflict (Lal, 2006, p. 139). Since signing a key bilateral defense initiative known as the '2005 Agreement on Political Parameters and Guiding Principles for the Settlement of the India-China Boundary Question,' high-level exchanges have also occurred between military leaders, as well as goodwill port visits and joint participation in military exercises.³⁵ Despite, for many Indians, 'the past 10 years of Sino-Indian rapprochement have failed to alleviate India's security concerns.'³⁶ China still outmatches India, and if relations ever soured, it has the capabilities to coerce its weaker neighbor easily. Furthermore, many Indians agree that, 'India cannot hope to match Chinese capability without disastrous economic and political results.'³⁷ In light of this agreement, a nuclear option may be the only cost-effective response. Malik argues that a 'stockpile of 150–200 20-kt warheads and their delivery systems is expected to cost about US\$25 billion over 10 years.'³⁸ Although that price tag is far from cheap, it is substantially smaller than the costs of catching up to China conventionally. Even more hawkish scholars, however, do not want an arms race with China since such a campaign would be far too costly. The goal is to achieve a credible deterrent, not nuclear parity with China. Hawks and moderates may disagree on whether China is a threat, but both do believe in pursuing a strong nuclear capability as the most sensible way to hedge against China. This goal is one that both moderates and hawks share as the only viable path to guaranteeing India's safety.

Elite Statements

Rhetoric from Indian elites has been divided between officials who would prefer not to seem adversarial towards China and leaders who are more ready to voice fears over a potential Chinese threat. Although, government officials are careful in their rhetoric about China. Tellis describes this strategy as part of India's overall approach, which is 'steady composure in New Delhi's public statements about China coupled with lingering suspicion of Beijing in private' (Tellis, 2001, p. 71). Nevertheless, even moderate leaders have put forth different expressions that show they are watching China and modifying their capabilities accordingly. The hawkish elites are often

unambiguous inlinking their deterrence strategy to China. However, both sides agrees that India mustclose the capability gap with China, and furthermore, that it would be irrational to do sowith a symmetrical strategy. Since China has a huge advantage that is only going to growin the near future, India must find an alternate way to deter its rival than by building up itsconventional strength. This idea of an asymmetrical strategy against China adds furthercredibility that India must rely on upon its nuclear arsenal, which can deter China withoutmatching all its capabilities.

Since the diplomatic aftermath from the 1998 tests, Indian officials have been vigilantnot to antagonize China with overly aggressive statements, Vajpayee Governmentsoon moved to mend relations. The Principal Secretary to the Prime Minister, BrajeshMishra, stated, 'India did not see China [as] an 'enemy,' or desire an 'arms race' withChina" while President K. R. Narayanan declared, "that China did not constitute a threatto India, nor India a threat to China.'³⁹ Indian officials have continued this policyof careful rhetoric. At a conference organized by the Institute of Defence Studies andAnalysis, Indian Defense Minister, A. K. Antony, discussed how India and China havebuilt up their ties and stressed that Indian's nuclear program was not targeted against aparticular nation.⁴⁰At the same time, he acknowledged, 'We are carrying outcontinuous appraisals of its (China's) military capabilities' and 'taking all necessarymeasures to shape our responses.'⁴¹ Similarly, On August 10 2009 while addressing the audience of National Maritime Foundation, former Admiral Sureesh Mehta made aspeech in which he stated that India's strategy 'to deal with China must include reducingthe military gap.'⁴²(Mehta S. , 2009) He also added, 'It would be foolhardy to compare China and Indiaas equals,' (Ibid)and that India currently does not have 'the intention to match China force forforce'(Ibid).While addressing a national conference on global nuclear disarmament to commemorate the 24 years of the Rajiv Gandhi Action Plan for a nuclear weapons free world order.National Security Advisor ShivshankarMenonstated, 'on at least three occasions before 1998 other powers used the explicit or implicit threat of nuclear weapons to try and change India's behavior [and]since we became a declared nuclear weapons state in 1998, we have not faced such threats,'heargued that as long as nuclear weapons exist, India has 'no choice, and a responsibilitytowards our own people, to have nuclear weapons to protect them from nuclearthreats.'⁴²

Moderate leaders are careful not to name China as a threat, but they alsostress the need to monitor China's capabilities and acknowledge that a nuclear arsenal isnecessary for India's defense.Other leaders, especially those no longer tied to the government, are more willingto explicitly call China a threat. ShyamSaran, former Foreign Secretary, once describedChina as 'the one power which impinges most directly on India's geopolitical space.'⁴³Like Mehta, Saran also discusses the need to enhance India's own capabilities but notthrough a matching strategy. He argues India needs to 'have enough capabilitiesdeployed to convince the other side that aggressive moves would invite countermoves'⁴⁴ but also states that it would be foolish for India to try and 'catch up withChina...GDP to GDP, aircraft to aircraft, aircraft carrier to aircraft carrier.'⁴⁵PM NarendraModi, has also taken a more hawkish stancetowards China in a bid to differentiate himself from the incumbent, Manmohan Singh. Hehas argued that China has a 'mindset of expansionism' and that a harder line is needed todeter them.⁴⁶ Furthermore, he has stated that India's nuclear weapons program 'isnecessary to be powerful – not to suppress anyone, but for our own protection.'⁴⁷Moderates and hawks may disagree on whether or not to openly call China a competitoror adversary, but both sides agree on catching up to Chinese capabilities withoutmatching them conventionally and maintaining a strong nuclear arsenal. Taken together,these statements indicate that Indian elites, both moderates and hawks, agree onenhancing the strategic arsenal as the most efficient way to guarantee India's securityagainst a nation they cannot catch up to conventionally.

Program Capabilities

Many contented that Indian strategic weapon is for countering Pakistan, however the capabilities of the Indian nuclear force themselves appear tailored toward countering China. The entire trend of the program has increasingly grown in both a quantitative and qualitative sense. Since one and a half decade, India has created approximately 100 nuclear warheads and has strengthened its ability to create more while enhancing the technological sophistication of its delivery platforms. This effort is likely directed against a stronger nation like China rather than Pakistan, because of Pakistan's small geography, India would not need a large arsenal to destroy the whole country. China, on the other hand, is a bigger country with its capital in the northeastern part of the country while industrial and economic targets are on the coastline. To credibly undermine any of these potential targets would require more technologically demanding platforms than short-range ballistic missiles or strike aircraft. Furthermore China, is believed to be working on a multilayered Integrated Air Defence System (IADS) comprised of its HQ-9, HQ-16, and S-300 systems, to get past this system, India would need a much more competent strategic force than it would against Pakistan.

Gaurav Kampani notes, 'India's principal effort—in both the past decade and the current one—has been to develop land-based intermediate-range ballistic missiles in order to close the strategic gap with China' (Kampani, 2013, p.122). India has made extensive progress in developing credible land-based ballistic missiles and has include the Agni-4, 'which will be capable of delivering a single nuclear warhead more than 3,500 kilometers, and therefore able to strike Beijing and Shanghai from northern India' (Kristensen and Morris, 2015). The most recent success has been the Agni V, India's first missile that can be categorized as an ICBM, is capable of delivering a warhead more than 5,000 km. Although the missile is still in the testing phase, it can cover all of China, which greatly increases India's deterrence capability. Recently, the Defence R&D Organisation (DRDO) announced plans for an Agni VI that would carry a much larger payload, which allows for the possibility of a Multiple Independently Targetable Re-entry Warheads (MIRV).⁴⁸ This trend of increasing both the range and destructive power of a ballistic missile also appears to be modified against China. Pakistan has been within the range of India's Agni II and III ballistic missiles and MIRV weapons which would be enough against a small country that does not even have an elementary ballistic missile shield. However, if China does set up a valid ballistic missile defense (BMD) system, India may view a MIRV as a necessary component for its strategic deterrence. India has already successfully test launched the K-4,⁴⁹ a SLBM with a range of 3,000 km, comparable to the Agni III. Furthermore, it has plans for an even more advanced SLBM with a 5,000 km range.⁵⁰ With such ranges, India could easily cover strategic targets in China from deterrence patrols in the Indian Ocean. Once India masters its SLBM technology, a ballistic nuclear submarine would be a valid deterrent against China as it would against Pakistan.

A stronger case can be made that India's recent air modernization program is designed to deter Pakistan. Due to their limited range and susceptibility to ground defenses, strike aircraft would be a likely platform against Pakistan, not China. Nevertheless, some indications demonstrate that India may intend for its air forces to also play a role in deterring China. India has recently modified some of its aircraft to carry the BrahMos, which is a supersonic missile strongly believed to be capable of carrying a nuclear warhead.⁵¹ These missiles can greatly enhance an aircraft's striking range and make it more feasible to hit targets deep in Chinese territory. Furthermore, R. K. Simha in an air defense blog reported that the India's Strategic Forces Command (SFC) asked for 40 nuclear capable strike aircraft, and that 40 Su-30MKIs were recently converted to carry the BrahMos cruise missile. Moreover, 'the versatile and constantly evolving nature of the Sukhoi enables the Indian Air Force to think big and strike far.'⁵² This strongly indicates that these aircraft would play a role in strategic deterrence.

Conclusion

No conclusive evidence absolutely focuses towards China as the essential driver of India's nuclear weapons program. However, a few signs exhibit China as a strong factor in India's strategic calculus. In the first place, India has substantial motivations to dread China. Not only do existing issues like border dispute that could be the starting point for war, but China also has a strong advantage in both conventional and nuclear forces. Pursuing a nuclear arsenal as a cheaper deterrent makes sense as India decides on a strategic program of 'credible, minimum' deterrence. As clarified by Shyam Saran, the objective is not to catch up to China in an arms race but to close the gap enough so that India's arsenal can be seen as a force that can credibly undermine China. Even moderates can embrace this policy since pursuing a strong nuclear arsenal can coexist with a policy of constructive engagement if they are careful with their diplomacy. Indian statements from both moderates and hawks seem to reinforce this strategy. Moderates are careful not to state openly that their arsenal is directed against China, but both groups of pioneers have contended the need of a strong nuclear arsenal and further, closing the capability gap with China through asymmetrical means. Albeit different explanations may clarify the trends in India's nuclear weapons program, if India was focused solely on deterring China, its strategic program has taken all the necessary steps. Supporting both its ballistic missile and submarine technology, as well as stationing cruise missile capable strike aircraft near contested areas, have all enhanced India's ability to deter China. Due to its environment, as well as its actions, India likely considers China one of the strongest drivers of its nuclear weapons program. As for China, the converse does not appear true for precisely the same reasons; since it maintains a strong advantage, it does not need to fear India to the same extent. India fears China. Instead, China's own arsenal appears to be directed against the United States, which maintains its own sizeable lead in both conventional and nuclear forces.

Endnotes

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Nathu La Route in India-China Economic Relations: Prospects and Challenges

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ABSTRACT

As India-China began normalizing its relations in the mid-1970s they also initiated a process of dialogue. This enabled both countries to explore the feasibility of trade ties and identify areas of common economic interest since economic influence had a huge significance dating back to ancient times where the Silk Route served as a major trade route between India and China. At Beijing's persistent initiative, both agreed under their joint efforts to open border trade along the Silk Route and particularly the Nathu La route, a Himalayan pass connecting Indian state of Sikkim with China's Tibet Autonomous Region. It brought a mutual benefits that accrue from active trade interaction. It benefitted India by transforming landlocked Sikkim and its adjoining regions like the North East Region and West Bengal. As for China it helped to promote the lagging economies of China's hinterland South-Western Provinces and secure for them easily accessible export markets in South and South East Asia. However, some challenges do remain. First, Delhi's growing unease in India-China bilateral relations and China's assertive claims on territories over which India exercises sovereignty. Second, the slow progress in border trade due to the limited trading items and lack of infrastructural development on the Indian side. These challenges bring a question as to how serious India and China look upon at Nathu La's importance in India-China Economic Relations.

Keywords: *India, China, Silk Route, Tibet Autonomous Region, Nathu La, Sikkim.*

Introduction

India-China relations or Sino-Indian relations, refer to the bilateral relationship between the Republic of India and the People's Republic of China (PRC). As neighbours sharing long borders, India and China had influential relations for more than 2,000 years in terms of trade and religious visit which used to carry out through the Silk route (Liu 1988:1). The route was vital for the traders and missionaries from China to India and vice-versa as it brought a significant factor in the development of the civilizations of China and the Indian subcontinent, opening long-distance political and economic relations between the civilizations (Liu 1988:1). The modern relationship began in 1950s' when India was among the first countries to recognise the PRC as the legitimate government of mainland China. Except for a short period of glorious position, India-China relations saw periods of dramatic fluctuation and stalemates which remained throughout the 1970s' including direct military conflicts in 1962. It was only at the beginning of 1980s' that some efforts were taken in mending the relations from both sides which helped to alleviate the hostile approach of both the nations. The significant historic visit to Beijing by Indian Prime minister Rajiv Gandhi in 1988 (Li 2009:55) marked a new beginning in bilateral relations.

Moreover, with the end of the cold war, the security perception of India and China underwent a major change compared to the previous one that was shaped by the cold war mindset (Li 2009: 69). The post cold war period brought enormous opportunities to both nations to move in the direction of a productive relationship. With the breakdown of the Soviet Union on one hand and the fast-changing economic and strategic environment brought about by globalisation at the other it created challenges as well as opportunities for both India and China to free themselves of historical baggage in terms of bilateral relations. Both the nations converged on the understanding that a stable and cooperative relationship between them would best serve their respective national interests in the post cold war period. Therefore, since 1991, India-China relations have experienced an impressive transformation, from normalisation to partnership. Both realized the essential need for cooperation in diverse areas, with the opening of both economies, especially in the trade and economic domains, in the long-term interest of peace and stability in Asia as well as for faster economic development and prosperity at home. Since then it has picked up a strong momentum towards maturity in maintaining the relations. Economic cooperation played a significant role in sustaining and taking the relations to a further new height. With bilateral trade touching US\$ 72 billion in 2015 (Rossow 2015:1), economic ties have displayed as the vital contributing parameter in India-China relations.

The Old Connection

The economic interaction between India and China has its influence back to ancient times where the Silk route served as a major trading route between them. It was considered as one of the most important and prosperous trading routes of ancient times. The route was basically involved in materials exchange and trades like lucrative Chinese silk, jade, etc. and also played a significant role in fostering Buddhism culture and tradition. The road also had a substantial role in the evolution of civilisation that came along, thereby opening long distance relations.

The Silk Route is the world's oldest, and most historically important overland trade route (see Figure 1'). Historically the name is closely linked with China's most luxurious fabric, i.e. Silk which was exclusively made and found in China. This precious commodity attracted merchants from far regions, who in exchange brought horses, cattle, furs, hide, and luxuries, such as ivory and jade, to China (Liu 1988: 19). The Chinese under different dynasties traded silk within the empire, to the western borders and reached its zenith during the Yuan Dynasty (1271-1368), when China became largely dependent on the silk trade. Apart from Silk, other trade items were also favoured including ceramics, glass, precious metals, gems, and livestock. The traders also transported disease vectors, languages, technologies, styles, religions, and genes (Sen 2016:7). The route also paved in the constant movement and mixing of populations, transmission of knowledge, ideas, cultures and beliefs, which had a profound impact on the history and civilizations of the peoples along the route. Travellers like Marco Polo and Hiuen Tsang, who travelled along the Silk Route were attracted not only by trade, but by the intellectual and cultural exchange that was taking place along the Silk route, many of which developed into hubs of culture and learning centres. Science, arts and literature, as well as crafts and technologies were shared and disseminated into societies along the lengths of these routes, and in this way, languages, religions and cultures developed and influenced each other. As the route developed and became more lucrative, the movement became more of a necessity, and the construction of caravan to carry the best items intensified across different destination.

In India's context the importance of silk route was heavily placed on the flow of culture and ideas and trade and commercial values in other regions of the globe. It was a road that existed not only for trading silk; many other goods were also traded, from gold and ivory to even exotic creatures and plants. The path was an essential course and a major channel for cultural and spiritual exchange between India and other nations. It provided the most important and credible means for travel and public exposure of religious belief across the universe. Buddhism, which

developed in India took advantage of the mobility of the route and extended its scope far beyond the native state. Besides India's connection with the silk route would remain unfinished without the mention of Sir Francis Edward Younghusband – the famous British Explorer and Army officer. In 1904, Major Francis Younghusband led a successful mission through Nathu La to Lhasa (Duff 2015: 28). He travelled through the offshoot of the ancient Silk Route, i.e. Nathu La corridor to enter Tibet with his troops putting the importance of the route in connecting to the outside world.

The route therefore brought a substantial sum of contribution in learning the history of India and China respectively bringing close interaction. It made for a closer economic cooperation between India and China for trade as it was an important source of profit earning to both the nation. The Chinese trader uses the route to sell its highly lucrative Silk that was used only in China and in return they would buy merchandise that was more of a useful to them. India got the route in expanding and collating cultural and spiritual tie with the aboriginal people of Tibet and Lhasa who share a similar trait with the Sikkimese Bhutia. Sikkim prior to its merger shared more than a belief in Buddhism with its northern neighbour as they saw the Tibetan nobility as their kin (Duff 2015: 40). All these faceted exchanges were taken through the following silk route or so called the off-shoot that brought a tight interaction between India and China.

Nathu La and the Silk Route: The Linkage

The Silk route which got an increasingly favoured name is not a single thoroughfare route from east to west rather it was a mesh of interconnected trade route that connects different parts of the ancient world via trade and commerce. Similarly Nathu La is an offshoot of the ancient silk route in Sikkim that crosses Lhasa, Chumbi Valley, Sikkim and finally the route took to the ocean and reached Sri Lanka, Bali, Java and other sections of the Far East (Sikkimsilkroute.com). Most popularly termed as the South West Silk Route, it is one of the most ancient popular parts of the main route which stretches in the Yunnan Province of China to Tibet, India and as far as in Central Asia. This part of the Old Silk route was quite less travelled due to hard terrain as half of the itinerary passes through the stack that are approximately 14,000 feet above sea-level and stays snow covered. Despite the difficult situation the route was comparatively a safer land route option for small caravans. The important items that were traded were sugar, salt, copper and cotton and silk in fewer amounts.

Nathu La is a mountain pass in the Himalayas, which joins the Indian province of Sikkim with China's Tibet Autonomous Region (TAR) (see Figure 2'). The pass is an offshoot of South West Silk route and is one of the three border trading posts between India and China; the other two being Shipki La (Himachal Pradesh) and Lipulekh or Lipulech (Uttarakhand) (Hasija 2012: 1). Prior to Sino-India War of 1962 the route act as an important role in the movement of people, culture, trade and religious exchanges between Sikkim and Tibet as the route connected Lhasa in Tibet to Sikkim and the plains of Bengal to the southward. With British annexing Sikkim the route further became a critical source in enhancing colonial superiority and trade volume further increased between Sikkim and Tibet (Hasija 2013: 1). Nathu La also played a critical route in the British expedition to Tibet in 1903-1904 led by Francis Younghusband to prevent the Russian empire from interfering in Tibetan affairs and therefore acquiring a footing in the area. The trade carried on along the Nathu La route even after India's independence in 1947 and Chinese liberation in 1949. The pass was used for cross border movement as well as exporting electronics and textiles and importing raw wool, silk and precious gemstones from China. Yet, after the 1962 Sino-Indian war, it was shut down for all civilian activities as the route witnessed skirmishes and exchange of heavy gun fire out between soldiers of the two nations (Sreedhar 1998:638).

With Normalisation in Sino-India relations after 1962 war efforts were established to increase the connectivity between the countries. Both thenations considered that the bilateral cooperation in term of economic collaboration could make for a flurry in bridging the gap of distrust. As such

both the countries agreed that trade routes like Lipulekh, Shipki La and Nathu La have immense potential in this respect. Lipulekh (1992) and Shipki La (1994) were first in the list, which was spread for trading (Vishal & Muthupandian 2015: 33) after the 1962 war. The opening of these two trade routes was of great success and increased the cordial relations between India and China. The trade via these routes brought about a noticeable transformation in the overall increment of their remote and problematic border regions. As trade gradually occupied the centre stage of India-China interaction Indian Prime Minister Atal Bihari Vajpayee in his historic visit to China in June 2003 (Rediff.com 2003) signed with Chinese Premier Wen Jiabao the memorandum on expanding border trade that provided for the formal reopening of Nathu La as a border trade pass between India and China (Hsu 2005: 5).

In this space the border trade through Nathu La was formally reopened on 6 July 2006 (The Hindu 2006) after an impetus delay as both the countries reiterated to seek a mutually accepted framework of political resolution to figure out its border issue. The framework seeks China's recognition of India's sovereignty over Sikkim and India's recognition of Tibet as a character of Chinese territory (Hsu 2005: 7). In the tone of reciprocal regard and understanding Nathu La trade was officially reopened with great exuberance. It allowed import and export of locally produced commodities by people living on both sides of the Indo-China border. The trade markets were scheduled to be open from Monday to Thursday every week (four days in a week) from 7:30 am to 3:30 pm IST which is 10 am to 6 pm CST. A permit fee of Rs. 50 each would be levied for every vehicle entering Sikkim side from China. Similarly, a fee of 5 Yuan (RS 25 approximately) would be levied for every vehicle crossing over to the Chinese side up to the trade mart point at Renqinggang (Hasija 2012: 2).

The list of items exported from India to Tibet Autonomous Region of China (TAR) includes Agriculture equipment, Blankets, Copper products, Clothes, Cycles, Coffee, Tea, Biscuits, Barley, Rice, Flour, Dry Fruits, Dry and Fresh Vegetables, Vegetable oil, Gur and Misri, Tobacco, Snuff, Spices, Shoes, Kerosene oil, Stationary, Utensils, Wheat, Liquor, Milk Processed Product, Canned Food, Cigarettes, Local Herb, Palm oil and Hardware. The items that can be exported from TAR to Sikkim includes Goat Skin, Sheep Skin, Wool, Raw Silk, Yak tail, Butter, China clay, Borax, Goat Kashmiri, Common salt, yak hair, horse, Goat, Sheep, and Chinese made products (DONER).

The Prospect in the Reopening of the Nathu La Route

Since India and China are obsessed by continuous financial sector reforms, market driven economy and global trade, both shared a common perspective on the importance of border trade as a mean of economic cooperation and increase its economic stature. Both the nation opines that the open border trade markets will benefit the inhabitants of the border region thereby promoting accessibility and developmental activity. With the likely development of Nathu La trade diplomats from both the nations were optimistic that it will enhance motivation, increase communication and pioneers a fresh groove for more upcoming China-India trade relations.

In India's context the reopening of the Nathu La route envisaged in boosting the regional economy of Sikkim and the Northeast India, bringing greater investment and development in the areas. It was also predicted to help end the economic isolation in the area, especially the Northeast India and play a central part in boosting transportation, building and infrastructure industries, paving the path for a major trade route that connects China and South Asia. The Government of Sikkim under the Assistance to State for Infrastructure Development and Allied Activities (ASIDE) Scheme sanctioned an assistance of Rs. 13.4258 crores for taking up infrastructure development projects at the Border Trade Mart at Sherathang and Nathu La. With the reopening of route Government of India also formulated the Inland Transport Assistance Scheme, which took down the heavy spending on transportation involved in transport of goods with a position to promote the export products being shipped from the North Eastern Region to its nearest market hub.

Elsewhere the reopening of Nathu La solved the bigger issue of Sikkim's sovereignty that has been a bone of contention between the two countries. Sikkim constituted an important element in Mao Zedong's five finger policy along with Ladakh, Bhutan, Nepal and Arunachal Pradesh (Singh 2013: 1). The five fingers policy was intended to work as a new buffer zone between India and China after its old buffer i.e. Tibet came under China's control in 1951. Therefore the signing of the 2003 memorandum for expanding Border Trade that provided for the formal reopening of Nathu La trade also ended the controversy over Sikkim's sovereignty. China's formally recognized India's sovereignty over Sikkim and agreed not to show Sikkim in its official maps as an autonomous entity, simply equally a part of India (Hsu 2005: 9).

In the context of China the reopening of Nathu La is regarded as a long term strategy of Beijing to develop its western and southwestern landlocked regions. China's economic system prior to 1970s' was very much stagnated and underdeveloped due to its isolationist policy characterised by few profit incentives for houses and farmers; competition virtually nonexistent, and price and production controls causing widespread distortions in the economy (Morrison 2006:1). Moreover, the so called "Cultural Revolution" that endured for ten years (1966 to 1976) also made China's economy fall into the verge of a crash. Under Deng Xiaoping's leadership China started to reform and open up, thereby rapidly improving the living standard of the Chinese people (EastAsiaForum 2011). Since the launch of 'Open and reform policies' in 1978, China's economy steadily rose, averaging more than 8% growth. But the benefits of this policy went wrong as the economic progress remained unevenly distributed with China's coastal and eastern region growing faster and receiving more overseas investment and benefits than the landlocked western and southwestern China despite rich natural resources and the geographic advantage of the excess of the Southeast Asian grocery store. Hence Beijing deciphered to open these landlocked regions for more trade and investment so that it could get its own periphery provinces at par with the coastal and eastern regions (Singh 2013:1-2).

The development packages and economic aids which were streaming into these regions significantly confirm its standings. In 2003, China invested about 200 billion RMB (USD24.3 billion) in infrastructure projects in the western area, occupying 55.2 percent of the country's entire annual investment in the area. In quick succession eight key tasks were finished, letting in three road construction tasks, an airport extension in Shaanxi province and four west-east electricity transmission projects. Another significant project China's west-east natural gas pipeline project, starting from Tarim of the Xinjiang Uygur Autonomous Region to Shanghai was also given a green signal (China Daily, 2003). The strategy was confirmed by a series of preferential policies for the growth of the western parts, letting in more investment, preferential tax rates and flexible policies. In 2009 China invested another whopping 468.9 billion Yuan (68.65 billion U.S. dollars) in projects to promote the growth of the country's western region. The investment covered 18 projects, including railroads, expressways, hydropower stations, shipping hubs, water control projects and airports (China View, 2009).

As such this intensive Chinese development strategy in its landlocked western and southwestern regions clearly hints at the grandness of these regions in its modernisation programme since it will set the management of Chinese overall foreign policy. The development of the region also facilitates the national strategic goals to maintain security and territorial integrity, to create stable periphery, and to build up friendly neighbouring relationships. The border areas, especially Tibet Autonomous Region exemplify an important gateway linking China to Southeast Asia as it is gifted with cross-border trading. Tibet currently relies on Tianjin, a port city about 5,000 kilometres away, for trade activities. Once the Yadong trade pass opens, the travel distance from Lhasa to Calcutta via Yadong would be substantially shortened to 1,200 kilometres, a development that would make Tibet a bridge connecting China's western provinces to South Asia (Singh 2013:3). Moreover the Yunnan-Tibet Railway, which runs across the Qinghai-Tibet Railway in Nyingchi and its further extension arteries in the southwest (Yadong) will greatly reduce the distance between Tibet and China (Narayanan 2005) (see Figure 3') thereby shortening its distance in the

movement of tradable items and goods. Also China and India have plans to begin restoration of the old Stilwell Road connecting China's Yunnan Province to Myanmar and India to create another passage linking southwestern China to the Indian Ocean, allowing goods from hinterland China to be exported through the Indian Ocean and giving a major boost to the economic system of China's western provinces.

So in this regard China is pushing Tibet Autonomous Region to serve well in term of trading. The authorities are improving transportation, quick growth of competitive industries and ethnic handicraft industry and convenient procedures adopted by the customs offices so to make sure that there is an increase in foreign trade in the region. And the effect has been exceedingly positive. In 2012 Tibet's GDP reached 11.3 billion US \$, an increment of 12 % compared to the previous year (Tibet's GDP was 9.75 billion US \$ in 2011 and 8.75 billion US \$ in 2010).

The Stillness

The importance of Nathu La was seen as an important aspect in building economic cooperation between India and China. Both the nations were of the opinion that like Shipki La and Lipulekh, the reopening of the Nathu La route will also raise the economic cooperation thereby developing a friendly mindset and mitigating the conflicts. However, on a high projection Nathu La has failed to present the required result. Like all border areas, India-China border is also economically backward and socially deprived, located far off from the developed cities and glitzy metropolitan cities like Kolkata, Mumbai, Delhi, Shanghai, Beijing and Guangzhou. Traders from both sides have time and again voiced their concerns in trading via Nathu La as they felt it is not a lucrative trade anymore as the trading list in the schedule is obsolete and does not have commercial value. They sense that it is inconvenient and illogical to deal with zero sum profits. Moreover the number of non-tradable items is more than the legally specified tradable items. A look at the trading list reveals that many items which are not on the list like Chinese products such as Chinese flasks, blankets, carpets and beers are increasingly finding their way into Gangtok and other adjoining areas. The arrest of two Sikkimese traders at Nathu La border with six kg of gold from their alleged possession raises the questions about what kind of items is being trafficked through the Nathu La border trade and how safe is the trade route for the traders (Hindustan Times 2015). Along with this license restriction is likewise a major hindrance upon the traders. In the case of Nathu La trade the permit is only given to the people of Sikkimese origin (Sikkim Government Portal).

The lacklustre of quality infrastructure facilities also adds up to the existing problems. The want of proper roads is a major challenging problem that India is confronting. Despite the May-November period provided for trade the entire period is not utilized for trading action. Transportation suffers a major hindrance during the monsoons, which play havoc between late April and mid-September. The 54-km road from Gangtok to Nathu La is half the time damaged and landslides further cause road blocks and hamper any kind of commutation. Moreover the double-laning of Jawaharlal Nehru Marg from Gangtok to Nathu La which was started by the Border Roads Organization (BRO) in 2007 has not been completed yet, leading to more chaos during the tourist season as tourists especially those going to Congo Lake taking the same route that leads to Nathu La.

Elsewhere at the larger perspective the policy-makers from both sides have started out to increasingly concentrate on the social and political spin-offs of their bilateral trade. India's point of view with respect to the reopening Nathu La seems political motivated over the recognition of Sikkim's sovereignty by China, thereby neglecting the critical portion of the memorandum i.e. economic cooperation. Aside from the few assistance in the infrastructure development India is yet to prioritise border areas as a significant role in its foreign policy discourse. India's Northeast has been experiencing a comparatively slower pace of industrialisation and socioeconomic growth compared to the mainland, segregated and excluded from the benefits that it is suppose to receive under

the development programme mainly due to serious pockets of resistance and scepticism.

The Nathu La Trade study group, a joint initiative of the Government of India and Government of Sikkim established in 2005 to comprehend the success of the border trade further brought the risk of insecurities amongst diplomats. The account said that more than the growing trade there is a derailing pattern with the reopening of Nathu La trade. The Chinese are more optimistic about the trade route and has progressed to substantial progress in infrastructure development like building highways, warehouses, etc. The report also highlighted the eagerness of Beijing to use the trade route to bolster its markets in the western and southern states, considered more economically backward than the east and the coastal region thereby getting access to Southeast Asia markets. As such the report justified that the challenging character with the reopening of Nathu La lies more on India's side. China is enthusiast with the opening of Nathu La as they are awaiting for a transit route whereby they can bring development and flow of goods in its western and landlocked provinces.

Also India is likewise unable to oversee the increasing bond emanating out of the reopening of Nathu La Trade as time and gain New Delhi is worried about the assertive claim from Beijing over Indian Territories. There have been periodical allegations and skirmishes on the disputed India- China borders. Arunachal Pradesh, Aksai Chin and Despang Plains and various smaller separated pieces of territory have remained contested between India and China (see Figure 4'). India have been persistently pushing with the positive attitude of mutual respect and understanding on the basis of existing results from negotiations to solve the border issues so as to strive for a meaningful border trade with settled boundary questions. But at the practical level Beijing is unable to bear the facts and hinge on its claim over these disputed territories.

These challenges put a question on all the positive elements that are faring out of economic cooperation between India and China. As a close neighbour sharing similar traits in term of culture and religion, both fail to bring a common understanding to address the topics. Although the border trade such as the reopening of Nathu La significantly brings a hope of extending out a friendly relations, but on the other hand the constant poking at the side step of border issues, or in United Nations deters the ultimate hope.

Conclusion

The reopening of the Nathu La route, growth in bilateral trade, the economic opportunity and development prospects did not pass unnoticed. With the reopening of the route there has been a frequent amount of interaction of people and exchange of goods between India and China and has furnished a new symbolism in the bilateral relationship. Politically, both nations achieved its political rights over its disputed area, i.e. China's acceptance of Sikkim as a part of India and India's acceptance of Tibet as a region of China vice versa. In the economic sphere investors queries have gone up, the services sector, such as tourism, transportation have shot up providing the biggest opportunities for Sikkim and its bordering regions. As for Beijing it has followed in opening up its landlocked hinterland of Tibet Autonomous region via Nathu La by bringing development in its landlocked regions and establishes its presence felt in South and Southeast Asian grocery stores. The reopening of Nathu La also addresses the bigger problems of border accessibility and connectivity route of both the countries such as Sikkim, Northeast India, Tibet, Yunnan, etc.

The opening of the new route through the Nathu La Pass for Kailash Mansarovar Yatra (The Hindu 2015) also shows the eagerness in bringing people-to-people exchanges and friendly relationship between two countries the route is considered comparatively an easier path to the ones presently being used, i.e. through Uttarakand and Nepal, which involves heavy-trekking through difficult terrain. So within this advantageous position available to both the nations Nathu La has more to offer and its future prospect lies in the construction of a sturdy base and governance of healthy communication between the two countries.



Figure 1: The Ancient Silk route and its offshoots.

Source: https://upload.wikimedia.org/wikipedia/commons/b/b9/Silk_Route_extant.JPG

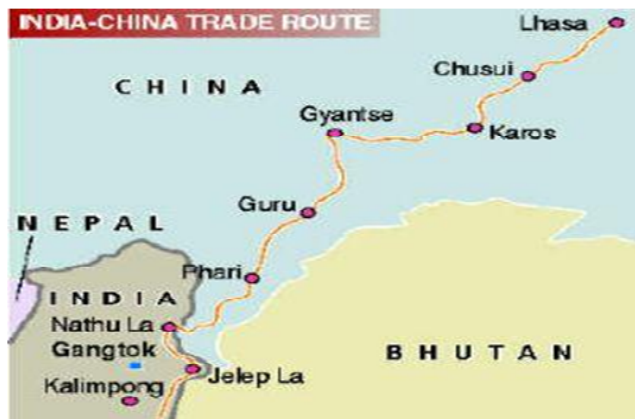


Figure 2: The Nathu La route connecting India (Sikkim) and China (Tibet Autonomous Region)

Source: <http://www.frontline.in/static/html/fl2014/stories/20030718005201800.htm>



Figure 3. China's railways connection to Tibet

Source: <http://www.globaltimes.cn/content/992020.shtml>



Figure 4: Disputed territories between India and China

Source: <http://www.businessinsider.in/China-Has-Slowly-And-Quietly-Been-Seizing-Disputed-Territory-Along-Its-Border-With-India/articleshow/42830938.cms>

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The PIO and Shaping of South Africa-India Relationship in the Post-Apartheid Era: A Foreign Policy Perspective

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ABSTRACT

The People of Indian Origin (PIO) in South Africa have played a crucial role in bringing South Africa and India closer in their bilateral and multilateral aspirations, and it is broadly in congruence to liberation struggle against apartheid and post-apartheid developments. Coincidentally, India's economic integration with the world community, starting from early 1990s, has been adding dynamism in its approach towards South Africa. From the South African perspective, the PIO have cooperated and contributed for socio-economic and political transformation of the nation. Externally, they have promoted trade and cultural relationship and internally, they have influenced and guided South Africa's foreign policy towards India. On the other side, India finds PIO as vibrant assets in promoting bilateral relationship and reaching out mutual global aspirations. Looking into these aspects, the quest for knowing exact role and significance of PIO in post-apartheid era draws attention of the government and think-tanks. Moreover, since the abolition of apartheid, the existing literatures are inadequate to present this diasporic importance in India-Africa relationship. Hence, the paper is intended to explore diaspora as an important and emerging trend in South Africa-India relationship. In the process, the paper will focus: a glimpse on South Africa-India relationship through diaspora during apartheid; post-apartheid socio-economic transformations; role of PIO in shaping bilateral relationship; problems of the PIO in post-apartheid South Africa; diasporic approach of the Indian government in its foreign policy discourses; and roadmap for robust relationship between these two countries through the PIO linkages.

Keywords: *PIO, Racial Discord, Political Transformation, Bilateral Relationship, Foreign Policy and Roadmap.*

South Africa-India Relationship Through PIO

The migration of People of Indian Origin (PIO) to South Africa passed through tumultuous phases as indentured Labourers and passenger Indians. However, the enthusiasm of their journey got dissipated once they landed in the country. It was either segregation or repatriation or both for which some of the Indians repatriated to their own land but for those who stayed in the host country faced untold restrictions by the white regimes who considered Indians as their economic competitors. In fact the than ruling White regime promulgated and implemented various archaic legislations and laws against the migrant Indians. The first major step taken against the Indians includes the Draft Asiatic Ordinance in 1906, which required all Asiatics of the Transvaal to be compulsorily registered by 31st July 1907 and to carry certificates bearing their fingerprints. Though the Indians protested vociferously against the draconian ordinance, yet, the protest could not withstand before the government's unyielding stand and by the end of the year 1908, it became a low-key affair. Moreover, different Commissions like Lange Commission and Solomon Commission were set up to look into the alleged penetration and unfair practices of the Indian

businessmen. Many times it is found that the trade practices of the Indians were competitive although unfair in some isolated cases. The government Natal, Transvaal and even the Union government were persuaded and finally gave into the tactic design of the White trading community. As a consequence, Indians had to bear untold misery in the succeeding period.

In 1948 racial discrimination took the form of legal structure in the form of apartheid. The operational contents of Apartheid fall into: racial prejudice and discrimination; segregation and separation; economic exploitation of natural and human resources; and legal, administrative and police terror. So the Mixed Marriages Act, Immorality Act and Registration of Population Act were promulgated by the government which intended to keep social interaction between European and non-European races at the lowest level.

At the time India got Independence, South Africa was under white-led apartheid government. Since, India was in the forefront of the international community in supporting the anti-apartheid struggle in South Africa, India severed trade and diplomatic relationship with the South African government and imposed a complete diplomatic, commercial, cultural and sports- embargo and it ended only after the end of apartheid regime in the early 1990s. During this period, India extended full cooperation at the national and international level in its struggle against apartheid and invited African National Congress (ANC) to establish its representative office in New Delhi. The ANC was supported by majority of Indian communities in South Africa and India also encouraged them to join hand with indigenous communities for their cause and liberation. Unique role played by the PIO in the struggle brought both the peoples together. Though, at governmental level there was complete deadlock, bilateral relations flourished at non-state level, largely due to PIO. Even during the period of economic sanctions, essential products used by Indian communities like spices, saris etc. being imported in South Africa through third parties.

Political Wavering

The united struggle of the Indians and Africans and their consequent domestic stalemate and international pressure compelled the White regime to concede to the non-white demands and accepted ANC's offer of peaceful settlement to the conflict in South Africa. In 1990 president de Klerk lifted ban on ANC, PAC, SACP (South African Communist Party) and other 33 organizations including the United Democratic Front (UDF). Nelson Mandela and most of the political prisoners including Indians were released. Thereafter, political transformation started to gain momentum and continued up to 1994 when the non-racial Constitution came to force.

In the post-apartheid South Africa racial politics has led to new alignments and realignments and this has weakened solidarity and friendly relations between Indians or PIOs and Black Africans in their struggle for freedom. There are some legacies today where apartheid syndromes are still felt. The Minority Front (MF) which was beneficiary of the White regime and to which Indians never supported in the past, is still rejected by the PIO community in the post-apartheid period. In the period of apartheid, Indians were found in different political formations and in the post-apartheid era their support and participation are also heterogeneous in nature. Indians are found in different political parties such as ANC, NP (National Party) or NNP (New National Party), DP (Democratic Party), IFP (Inkatha Freedom Party), MF and DA (Democratic Alliance). There is a dichotomy in the PIO support to the ANC; in the first two democratic elections Indian mass supported the White-led parties like NP and DP. But the anti-apartheid stalwarts and political elites of Indian origin supported the ANC. The Indian mass is very much afraid of losing a lot in the Black regime.

It is a well-known fact that in the absence of a strong opposition, and racial consolidation, the ANC wins the vote of Black majority. Further, Indians in KwaZulu Natal, where they have largest concentration, are afraid of fear tactics of the IFP as well as NNP and DA. The IFP is a threat to political participation of the PIO. It is notoriously known in its tactic of threatening people particularly those who align with the ANC. Amos Maphumulo, the editor of IFP, 'Illanga',

owned by Buthelezi germinated fear in the community by accusing Indians for Africans plight, and threatened them the rise of Idi Amin in South Africa to counter the Indian community. The IFP many times tries to generate panic in the Indian community by reminding them of the heinous Durban riot and Inanda Violence just before the elections. So people avoid even campaigning for other political parties.

Socio-Cultural Identity, But Concerns

Indian community in South Africa is a composition of people from different walks of life, so there is no homogeneity in their sub-identity. They are heterogeneous in terms of caste, language, religion, and region. Symbolic ethnicity within the Indian population in South Africa has become the driving force in sustaining a linguistically based group identity. Although symbolic and linguistic ethnicity are interlinked and coexist, they are separable. While symbolic ethnicity is the medium through which cultural and social practices are maintained, linguistic ethnicity is the communicative medium through which symbolic ethnicity is articulated.

The natural instinct of the human beings is to move upward. In this contest, Indians show interest in marrying Whites; on the contrary White Africans show less interest in marrying Indians. In the 'rainbow nation', marital relationship between Indians and Blacks is a taboo like that of Black and White in the apartheid years. Notions of duty, honour and tradition constitute the pillars of Indian social and cultural realities, which disallow Indians to marry Africans. Moreover, there are areas where separate areas of settlement, the apartheid syndrome, exist today.

But still there are some people who are under the spell of the past, keeping themselves isolated in groups such as the poor Indian South Africans basically in rural areas. In the rural areas the schools have less interaction whereas in urban areas children develop good relationship with students of other communities until they do not have hang-ups about race or ethnicity. There are very few inter-marriages between Africans and Indians. In a few cases it has taken place between sons and daughters of former comrades who had been involved in the struggle against apartheid; and today mainly among the marginalized people who live on the fringes of the society but all these marriages are too rare. Basically Indians prefer to marry White or Coloured rather than Black Africans.

In education, there is provision of learning Indian languages up to Class 12 but the ethnic community persistently comes in fear of elimination of their languages in the school curriculum. Minority language develops knowledge of minority culture among the new generation Indians. Ethnic minorities need to learn their ethnic languages as a part of the school curriculum. However, it does not mean the education for the entire ethnic minority to be conducted in their language rather; it should be a subject in the curriculum. It is important to provide every opportunity for ethnic minority children to learn or maintain their ethnic language and encourage the majority ethnic community to learn minority languages. Language is not only value-added but also enhances dialogue and interactions between different ethnic communities in the society. Like African students, Indian students should know and learn the African languages like Bantu.

Economic Discontent

To rectify the structure of apartheid, government has moved with Black Economic Empowerment (BEE) or Affirmative Action (AA), which in turn has generated racial discord. The Affirmative Action Programmes have spread to almost all areas of economic sector. In the post-apartheid South Africa, there are racist comments and acts even from Amos Maphumulo and Mbongeni Ngema, which indicated that the Africans are at discomfort with the economically better off Indians. They have interpreted Indians to be the main cause for today's plight of the Africans and asked Africans to take steps against them.

The Indians in the post-Apartheid era are not secured as they were in the apartheid era. Uncertainty

and insecurity looms large in the community because of growing violence against PIO in KwaZulu Natal, policies and programmes of AA or BEE, political insecurity and poverty of the poor Indian community. There are incidents of encroachment of Indian farms by the Africans and increasing rate of violence in suburbs of Natal. South Africa has laws to protect people and land but we cannot say that the Zimbabwean type of land crisis would happen in South Africa because in Zimbabwe there were also Constitutional provisions for the protection of land rights.

Bilateral Cooperation

Bilateral trade between India and South Africa in 2010-11 has been recorded to 11,125.56 million US Dollar, more than eleven times from the level of 952 million Dollars in 1999. In January 2011, following a visit by India's commerce and industry minister, Anand Sharma, to South Africa, an unprecedented new bilateral trade target of \$15 billion by 2014 was agreed upon. Specific information is not available to analyse role of Indian Diaspora in promotion of bilateral partnership. However, it is clear that they are playing larger role. They have remained instrumental in increasing export from India. This is evident from export basket of India which includes rice, spices, readymade garments of cotton, silk, other textiles, carpet, handicrafts etc. The historical-ethnic relationship has contributed largely for working both the countries together on bilateral and international issues.

There is substantial potential for trade growth between the two countries. Exports from India to South Africa include vehicles and components thereof, transport equipment, drugs and pharmaceuticals, computer software, engineering goods, footwear, dyes and intermediates, chemicals, textiles, rice, and gems and jewellery, etc. Import from South Africa to India include rock phosphates, precious stones and minerals, fertilizers, steel, coal, transport equipment, pulp and pulp manufacturing, etc. Investment from South Africa to India from April, 2000 to December, 2010 was estimated at USD 109.88 million. Further, cumulative investment from India into South Africa from January, 1994 to January, 2011 was estimated at USD 212 million. Major investors include Tata (automobiles, IT, hospitality, and ferrochrome plant), UB Group (breweries, hotels), Mahindra (automobiles) and a number of pharmaceutical companies, including Ranbaxy, CIPLA, etc. as well as IT companies and some investments in the mining sector. There is also growing South African investments in India led by SAB Miller (breweries), ACSA (up gradation of Mumbai airport), SANLAM and Od Mutual (insurance), ALTECH (set top boxes), Adcock Ingram (pharmaceuticals), Rand Merchant Bank (banking). An important initiative under negotiation is the India-SACU Preferential Trade Agreement. Five rounds of negotiations between SACU and India have been held so far, the last in Delhi in October 2010. Combined with the India-MERCOSUR and SACU-MERCOSUR PTAs, it is envisioned that this will eventually lead to a Free Trade Agreement between India, SACU and MERCOSUR (a large 'free trade area of the South'). An Agreement for Reciprocal Promotion and Protection of Investments (BIPPA) is also under discussion. These trade trends can be clearly traced on a national as well as a continental level. Economic relations between South Africa and India, for example, have grown many-fold since diplomatic relations between the two countries were first properly established in 1993. Bilateral trade between 2003-04 and 2008-09 alone increased threefold, from \$2.5 billion to \$7.5 billion.

However, recently, there were some hiccups largely due to South African president's failure to hold bilateral talks with its prime minister during BRICS summit, Durban, 2013, a newspaper reported. Meanwhile Zuma did manage bilateral meetings with his Chinese and Russian counterparts. Singh and Indian diplomats were allotted a resort at Zimbali, 40 kilometres (25 miles) from Durban, while the Brazilian, Russian and Chinese leaders were lodged in hotels within the city. Singh had to travel into the city on both days of the summit and also suffer long delays in the programme. President Jacob Zuma is somewhat showing distance from the Indian community because of alleged 'Indian Wedding Scandal'.

Diasporic Approach of the Indian Government in its Foreign Policy Discourse

As the rest of Africa, South Africa and India are trying to use their Diasporas, and the diaspora within, as a resource and a driver to promote economic linkages under globalisation, the PIOs in South Africa is a very important latent resource. The recently held mini-PravasiBharatiyaDiwas, 2010, in Durban was sponsored by the government of India to commemorate 150 years of Indian migration to South Africa, and the intense and high-level participation by South African provincial and central government representatives, signalled a clear move to build additional bridges between India and South Africa through diaspora linkages.

Know India Programme

Know India Programme (KIP) of the Indian government is a three-week orientation programme for diaspora youth conducted with a view to promote awareness on different facets of life in India and the progress made by the country in various fields e.g. economic, industrial, education, Science & Technology, Communication & Information Technology, culture. It provides a unique forum for students & young professionals of Indian origin to visit India, share their views, expectations & experiences and to develop closer bonds with the contemporary India. About five such programmes are conducted every year in partnership with one or two state governments. In every year, it is the South African Indians that constitute largest chunk of the total invitees. So far, Ministry of Overseas Indian Affairs has organized 24 Know India Programmes where 729 overseas Indians, of which 67 participants are from South Africa, have participated in these programmes.

Pravasi Bharatiya Samman

Pravasi Bharatiya Samman is conferred by the President of India as a part of the PravasiBharatiya Divas (PBD). Conventions organized annually since 2003 on a Non-Resident Indian, Person of Indian Origin or an organization or institution established and run by the Non-Resident Indians or Persons of Indian Origin, who has made significant contribution in the host country and/or between host country and ancestral land for better understanding and cooperation. This year, International Relations and Cooperation Deputy Minister EbrahimEbrahim of South Africa received the prestigious PravasiBharatiyaSamman Award. Likewise, PravinGordhan, South African Finance Minister, and Fatima Meer, anti-apartheid stalwart, have been awarded. But, ElaGandhi, the South African granddaughter of Mahatma Gandhi, refused to participate in the PravasiBharatiya Divas because it might increase tensions between South African Indians and Africans and might be perceived as yet another exclusionist attempt by Indians in the country.

Dual Citizenship

While North American, European and Australian delegates were excited at the announcement that dual citizenship will be permitted, it means nothing for South Africans since the domestic laws does not allow them. Moreover, Indians are less enthusiastic to advantages given under the citizenship. As per provisions, a person granted dual citizenship would not be able to cast a vote in India. Fatima Meer had rejected the word diaspora in the context of South African Indians, describing it as too rigid in its connotation and her emphasis was on the principle of 'South Africans, first and last'. MewaRamgobin, ANC leader and Member of Parliament, denounced dual citizenship on the ground of possibility of exacerbation of Indo-South African relationship.

Roadmap

Both pessimism and optimism prevails within the Indian community over the future of the Indians. 'During apartheid they were not white enough and after apartheid they are not black enough'. Whatever may be, the sacrifice and the silent suffering of the Indian community needsto be

revitalized by all other races of the society.

Being Indian in ethnic identity does not contradict their citizenship and loyalty to the host country. Overall, given their small numbers, they had a significant contribution to the struggle for non-racial democracy and till today, continue to make vital contribution to the society and economy of South Africa.

It is an acceptable fact, Indians like all other minorities, are citizens of the country and not to be looked in suspicion. Indians are not exploiter as what is interpreted by Amos Maphumulo and MbongeniNgema. Particular sections of the society have to understand the role of Indians in the enrichment of the society and how the legacy of apartheid is responsible for the present day poverty and misery of the vast Africans, not Indians progress.

The PIO should throw in their lot uncompromisingly with the black majority at the economic level and not remain a segregated or exclusive group. A balanced society is one where there is equality but in South Africa there is huge gap between Whites and Blacks and similarly between Indians and Africans. So, sooner or later, the rich PIO needs to participate in the on-going economic reforms in the society.

In spite of the difficulties of the present transitional period in the process of social transformation, economic arrangement and political structure, Indians are part and parcel of South Africa and they cannot be separated from the future of South Africa. The strong Indian community should find a pragmatic solution for their problems, just as their ancestors had coped with the iniquities heaped on them in the days gone.

In the process of national integration the path of pluralism is accorded with equal dignity, equal Opportunity and equal rights. Like all other plural societies, problems and conflicts are bound in South Africa in the process of national integration. A concerted effort is required by the government and majority and minorities to materialize better integration of the communities. The government should utilize the skill and potentialities of the minorities for the society and smooth functioning of democracy. The more diversified the centres, the easier it is for democracy to function; more the centres of power, greater the chances for democratic progress within the community and balance with one another.

One country, many cultures and respect for all religions is the beginning to discard some of the latent racist notions in the minds and hearts, which are manifested in many ways from time to time, will better serve pluralism in democracy and multiculturalism. Mere structural (legal mechanisms) or procedural (law implementations) integration could not bind people for a long. Emotional integration, on the other hand, involves the acceptance of a common and consistent set of values, norms and attitudes by many sections of the society. The emergence of this integration depends upon the sharing of common values. As defined, the objectives of national integration cannot be achieved unless emotional integration is emphasized which means a change of attitude and mind. Further in South Africa national integration needs to be of participation as well as process-integration, the former implying the integration of different ethnic minorities for political and social purposes, while the latter is that of process and procedures, whereby the former will be made possible.

Conclusion

It is ironic that the community with such a glorious political record during the anti-apartheid struggle is currently beset with diffidence and pessimism. Since their arrival, Indians are oscillating between persistent self-doubt and occasional self-assertion, but seldom as a constituent of the oppressed non-European majority. Yet, the future can be wonderful for everyone but it also needs to be nurtured for it to be positive. One cannot nurture negative thoughts and values and then expect glorious outcome. The Africans and Indians have to work in unison not for votes but for betterment of the South African community. With the changing international relations and

scenario, India finds PIO in South Africa as a viable option to reach the vicinity of South African resource market and trade. India looking South Africa not as a mere country to do trade but a regional player, having global role. However, it is not getting overwhelming response from the Indian community. More significantly, they are afraid of being beneficiary to the sops offered by India since it may lead to misconception within the society and their expulsion from the country on the lines of Uganda. To overcome this, India should treat South Africa as one of its most focused countries in the world and thus promote robust relationship with South Africa. Afterwards, the PIO may get motivated by the swing. At the same time, South Africa should reciprocate what genuine, economic and strategic expectations India has.

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Dr. Radhabinod Pal's Dissident Judgement at the Tokyo Trials: Continued Relevance in the Matrix of International Criminal Law

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ABSTRACT

Dr. Pal's Dissident judgement at The Tokyo Trials of 1946, was a watershed in the process of development of international criminal law and gave vent to the notion of "Victor's Justice", particularly the tribunals constituted by the Victorious powers never considered war crimes committed by their own soldiers and by attempting to try only the 'vanquished' had only succeeded in creating an inequalitarian/ unequal/ biased system of justice.

The international criminal legal system has evolved and undergone changes in the past few decades, but the embedded nations of 'victor's justice' as reflected through major power politics seems to continually 'plague' it.

The ICC is being projected as the solution to the problem of setting up ad hoc international criminal tribunals. Since the Court is permanent and has a definite jurisdiction, it should theoretically provide a more equal notion of justice than the ad hoc tribunals. While sound in theory, this bears close scrutiny in actual practice. The Court can exercise jurisdiction only when state parties accept its jurisdiction. The concept of state sovereignty is too deeply rooted in the international system for any state to accept, without any precondition, the jurisdiction of the ICC. The "fundamental gap" in international relations – – no state is bound to submit its disputes with other states to a binding judicial decision – – as envisaged by Dr. Pal, exists even today. The concept of 'Victor's Justice' may no longer exist in the form as it was visualized during the Tokyo Trials. However, it is still extremely difficult to envisage a situation where U.S.A or other major powers are prosecuted and tried for violation of humanitarian law. The recent execution of Saddam Hussain seems to reinforce the notion of "Victor's Justice" and the process of evolution of international criminal justice system seems to be merely a process of institutionalization of the "Victor's Justice" regime by the dominant victorious powers and the establishment of their hegemony over the international criminal legal regime.

The contemporary world order seems to reflect the hegemonic position of the dominant powers in almost all spheres and the international criminal legal system is no exception. Several instances go to prove the mere perpetuation of the "Victor's Justice" regime and its virtual institutionalization through the setting up of the I.C.C. which is merely a tool at the hands of the dominant powers to define and establish their own standards of criminal justice, at the total cost of an egalitarian system of justice. The research would strive to point out the significance of Dr. Pal's dissident judgement in the light of contemporary developments in criminal justice system and illuminate the relevance which the same has or how it can be a guiding light for the lesser/ vanquished powers to strive for setting up an egalitarian criminal legal system.

Keywords: Tokyo, Trial, Criminal Law, Japan, Norms.

Criminal law refers to the body of laws, norms and rules governing international crimes and cooperation between national criminal legal systems. International criminal law refers to the crimes committed by national governments or rather by the individuals who control and direct them. The concept of war crimes is at the core of international criminal law. It refers to a range of acts judged to be beyond civilized human behaviour, even in extreme conditions of warfare. Just over sixty years ago, the international community, seeking to heal the wounds of a brutal war, embarked on a bold legal experiment. For the first time in history, legal mechanisms were invoked to bring to justice the perpetrators of war crimes and crimes against humanity in international tribunals specifically formed for the purpose. The trials at Nuremberg and Tokyo were extraordinary and unique in their time. These two trials and their proceedings represented a substantial step forward in the development of the law of war crimes.

The victorious Allied powers, at the close of the Second World War established a tribunal at Nuremberg to judge “ the major war criminals of the European Axis powers”. In all, some twenty two leading Nazis were tried by a court composed of eight judges-two each from the U.S.A, U.K., France and the Soviet Union. The Nuremberg Trials (1945-46), prosecuted three category of offenses: crimes against peace, war crimes, crimes against humanity. After Nuremberg, individual criminal responsibility became a recognized tenet of law. The Tokyo Trials represent a major step forward in the process of development of war crimes law. The International Military Tribunal For The Far East was set up by the Allied powers to try alleged Japanese war criminals and it started its proceedings on 3rd May 1946. Eleven prosecuting nations filed charges on fifty-five counts against twenty eight defendants consisting of Japanese Generals, Admirals, Bureaucrats, Diplomats and Politicians. Eleven Justices in the Tribunal came from the countries whose Allied effort during the War had hastened Japan’s defeat. The Trials lasted for two and a half years. Dr. Radhabinod Pal, a renowned Indian jurist, among the panel of judges of the Tokyo Trial gave a dissenting opinion and came up with a verdict of “ not guilty” at a time when most of the Allied world were convinced of “Japanese guilt”.

The world, Justice Pal, saw as consisting of states, all of which were trying to maximize their gains-economic, political, military and in some cases ideological-by following certain policies that put them on collision course. The international system was at best an inchoate society where only the rules agreed to by all parties had come to occupy the position of law. However, Pal felt that nothing can be said to be law when its obligation is still for all purposes dependent on the mere will of the party and there was no international community where order and security could be provided by law. Pal put up two intriguing questions: was war a crime in international law? What exactly was ‘aggression’? There was no law that made war a crime. War has always remained outside the purview of international law and only its conduct has been regulated. Pal sarcastically argued: when the conduct of nations is taken into account, the law will perhaps be found to be that only a lost war is a crime. Hence, the basis of setting up an international tribunal to try war criminals becomes questionable.

Dr. Pal’s judgement was a watershed in the process of development of international criminal law and gave vent to the notion of “Victor’s Justice”, particularly the tribunals constituted by the Victorious powers never considered war crimes committed by their own soldiers and by attempting to try only the ‘vanquished’ had only succeeded in creating an inegalitarian/ unequal/ biased system of justice.

The international criminal legal system has evolved and undergone changes in the past few decades, but the embedded nations of ‘victor’s justice’ as reflected through major power politics seems to continually ‘plague’ it.

Dr. Pal had claimed that the process of international organization, was at best, at its formative phase and states still belonged to a self- help system. Pal felt that any ad hoc tribunal established by the victor in a war would not be able to provide justice.

In 1948, the U.N. General Assembly assigned the task of preparing a statute for an international criminal court to the International Law Commission presented the draft Statute of an International Criminal Court to the General Assembly. The eventual draft of the International Criminal Court (ICC) as modified by subsequent General Assembly Committees, was submitted to a U.N. Diplomatic Conference in Rome on June-July 1998. The Rome Statute, adopted at the close of the Conference, was signed by nearly one hundred forty countries and came into force on 1st July 2002, after ratification by requisite sixty countries. The ICC, based in Hague, is authorized to prosecute war crimes, crimes against humanity, and acts of genocide. Two ad hoc international criminal tribunals established by the U.N. Security Council for the former Yugoslavia (ICTY) and for Rwanda (ICTR) were given jurisdiction to punish genocide, crimes against humanity and war crimes, but not aggression.

The ICC is being projected as the solution to the problem of setting up ad hoc international criminal tribunals. Since the Court is permanent and has a definite jurisdiction, it should theoretically provide a more equal notion of justice than the ad hoc tribunals. While sound in theory, this bears close scrutiny in actual practice. The Court can exercise jurisdiction only when state parties accept its jurisdiction. The concept of state sovereignty is too deeply rooted in the international system for any state to accept, without any precondition, the jurisdiction of the ICC. The “fundamental gap” in international relations – no state is bound to submit its disputes with other states to a binding judicial decision – as envisaged by Dr. Pal, exists even today. The concept of ‘Victor’s Justice’ may no longer exist in the form as it was visualized during the Tokyo Trials. However, it is still extremely difficult to envisage a situation where U.S.A or other major powers are prosecuted and tried for violation of humanitarian law. The recent execution of Saddam Hussain seems to reinforce the notion of “Victor’s Justice” and the process of evolution of international criminal justice system seems to be merely a process of institutionalization of the “Victor’s Justice” regime by the dominant victorious powers and the establishment of their hegemony over the international criminal legal regime.

The contemporary world order seems to reflect the hegemonic position of the dominant powers in almost all spheres and the international criminal legal system is no exception. Several instances go to prove the mere perpetuation of the “Victor’s Justice” regime and its virtual institutionalization through the setting up of the I.C.C. which is merely a tool at the hands of the dominant powers to define and establish their own standards of criminal justice, at the total cost of an egalitarian system of justice. The research would strive to point out the significance of Dr. Pal’s dissentient judgement in the light of contemporary developments in criminal justice system and illuminate the relevance which the same has or how it can be a guiding light for the lesser/ vanquished powers to strive for setting up an egalitarian criminal legal system.

Justice Pal’s most persisting insight involved connecting international criminal law to a project for stabilizing and securing existing power distributions within international society. For Pal, the criminalization of aggression, in particular, was simply a way of freezing the status quo. The criminal repression of territorial change was meant to ensure that the frontiers created by the original sin of colonial maldistribution would remain fixed by the legitimating force of an international rule of law. The deepening juridification of war was intended to remove armed struggle from the repertoire of anti-colonial, anti-Western political movements and states. (Tanaka, McCormack and Simpson, 2011: p354)

The changes in the international system seem to defy the logic of Pal’s analysis. The questions that they give rise to are many and unsettling. Are we members of an ‘international community’ today? Is international law stronger now than it was earlier? Have we found a solution to the problem of ‘victor’s justice’ which had so disturbed Pal? Do international tribunals have a deterrent effect? Does a dissent written in 1948 have any relevance today? An attempt to answer these questions would imply looking at the developments in the international system from within Justice Pal’s theoretical framework.

Is there an 'international community'? An affirmative answer to this question would probably be the biggest challenge to Pal's world view. However, before coming to any conclusion, we have to keep in mind Pal's conception of an international community. Going by Schwarzenberger's definition, Pal believed that the pre-requisite to the creation of any community was the binding force which makes it cohesive. In the case of the international system, this binding force is common norms and standards. The question about international community would, therefore, translate into a query on whether we have universal norms. The answer to this would be a definite 'yes', especially while discussing areas like 'war crimes' and 'crimes against humanity'. (Vardarajan, 1998: p38, IJIL)

There are states which violate these norms time and again; but all these violations are recognized as breaches of international law. At the normative level, the international system can be considered to be a 'community' even within Pal's own definition. The problem, however, arises at the level of implementation. What Pal would probably point out is that a mere recognition of violations does not suffice. Are all the violating states punished by universally applicable rules? To take an oft-quoted example, the USA violated a series of laws, right from the one prohibiting the use of 'force to almost all the existing humanitarian laws, in Vietnam. However, no charges were brought up against any of the US government agencies involved in the operation, nor were any US citizens tried for violations of international law in any international tribunal or court.

The international tribunals set up to prosecute perpetrators of crimes against humanity in the former Yugoslavia and Rwanda have been cited as illustrations of the existing universal regulatory mechanism. At one level, any comparison between the tribunals in Yugoslavia and Rwanda and that established in Tokyo over fifty years ago would be meaningless: the circumstances are different, the parties involved are different, and the method of enforcing the regulatory mechanism is different. Politics does play a very important role in determining international crimes, but in the case of Yugoslavia and Rwanda, there was a general consensus about the extent of human rights violations and the need to set up tribunals to prosecute the violators. While these were important determinants, what probably swung the balance in favour of setting up the tribunals was that none of the powerful states would be put in the dock as defendants. The concept of 'victor's justice' may no longer exist in the form it was visualized during the Tokyo trials; however, it is still extremely difficult to envisage a situation where tribunals are set up to try a country like the US for violation of humanitarian laws: (Vardarajan: 1998, p38, IJIL)

The International Criminal Court is being projected as the solution to this problem. Since the court would be permanent and would have a definite jurisdiction, it would probably provide a more equal justice than the concept of *ad hoc* tribunals. While sound in theory, this would not bear close scrutiny in actual practice. The draft statute proposed by the ILC makes it clear that the court can exercise jurisdiction only after states parties accept its jurisdiction. The concept of state sovereignty is too deeply rooted in the international system for any state to accept, without any pre-condition, the jurisdiction of a body like the proposed criminal court. The 'fundamental gap' in international relations—no state is bound to submit its disputes with other states to a binding judicial decision—seen by Radhabinod Pal during the Tokyo trials exists even today. Even while holding that "nations have not yet considered the condition of international life ripe enough for the transposition of principles of criminality into rules of law in international life", Pal believed that: if and when international law would be conceived to govern the conduct of individuals it may become less difficult to project an international penal law. (Vardarajan: 1998, p236, IJIL)

Indeed some of Pal's theoretical views are contestable. An example is his championing of national societies as 'cohesive' and the ideal toward which the international society ought to move. Whether nations can be really regarded as 'communities' within Pal's own conception is itself debatable. Moreover, how can the level of integration of values be measured in domestic societies; problems like hegemony and cultural relativism are not unique features of the international system.

.(Vardarajan: 1998, p239, IJIL) They exist even within national boundaries. Even if the level of integration in national communities is greater than that of the international system, this takes place over a long period of time. Presuming that we want the international legal system to resemble the municipal legal system, what would be required is a longer time frame. While dealing with the issue of 'social utility of punishment', Pal conveniently overlooks the deterrent effects of tribunals and the norms they create. We may not be living in a perfect world where all offenders are judged by the same criteria, but the creation and internalisation of norms would contribute immensely to the development, and eventually, the codification of law.

The Tokyo trials concluded at a time when India had just emerged as an independent nation. Radhabinod Pal was an Asian, a citizen of a country that was trying to redefine the international system, a country which had not really borne the brunt of Japanese actions during the war. These factors probably did influence his opinion and verdict. Pal's reading of the international system, moreover, reflected the dominant theoretical paradigm of the day, namely, Realism. Whether he might have interpreted the system differently if exposed to other approaches remains a matter of conjecture. .(Vardarajan: 1998, p235, IJIL)

Prior to the Second World War, the world as Pal saw it consisted of states, all of which were trying to maximize their gains – economic, political, military and in some cases, ideological – by following certain policies which put them on a collision course.(Vardarajan: 1998, p237, IJIL). The League of Nations had already proved to be a failure as far as international organization was concerned. There were no rules that could be universally applicable, regard-less of the position of the offender. The international system was at best an inchoate society where only the rules agreed to by all parties had come to occupy the position of law. However. Pal felt that :nothing can said to be law when its obligation is still for all purposes dependent on the mere will of the party. His conception of law made the existence of an "international community which can be brought under the reign of law" a pre-requisite for any kind of international organization. It is here that one must understand the difference between a 'community' and a 'society'. A 'society' lacks the binding force that makes a 'community' cohesive(Minear, 1971:p24). Pal believed that the international system did not have standards/norms which transcended all boundaries and which could be applied under all circumstances. The best that could be said of the system was that if states so desired, they could, through agreements, adjust their divergent interests. Human beings had as yet not succeeded in creating an international community where order or security was provided by law. Peace was, therefore, a negative concept – a negation of war, an assurance of *status quo*.

It was quite naive to expect the smaller, less powerful nations to be satisfied with this state of affairs. Moreover, international law recognized that in the absence of an agreement to the contrary, no state was bound to submit its disputes with other states to a binding judicial settlement or to a method of settlement resulting in a solution binding upon both parties. This created a fundamental gap in the international system; a gap which war alone could fill.

One of the main charges levelled against the defendants at the Tokyo trials was that they had plotted to wage an "aggressive" war. This gives rise to two questions:

- (i) Was war a crime in international law?
- (ii) What exactly was 'aggression'?

Attempting to answer the former, Pal held that modern international law was developed as a means of regulating external conduct rather than as an expression of the life of a true society. Moreover, existing international practice (especially that pertaining to the Kellogg-Briand Pact of 1928) proved that while there might have been contractual obligations, there was no law that made war a crime. War has always remained outside the province of international law and only its conduct has been regulated. As Pal put it:

When the conduct of nations is taken into account, the law will perhaps be found to be that only a lost war is a crime.” (Rolling and Reuter,1977:p630)

As for the issue of defining ‘aggression’, the main problems arose in determining the index : would ‘aggression’ be defined in terms of the interests of the dominated nation as distinct from the dominant or would it be merely a reference to the *status quo*? Pal dismissed Robert Jackson’s definition of aggression (with its heavy emphasis on first strike) as an ideological cloak intended to disguise vested interests. One of the fundamental principles of law was a “*nullum crimen sine lege, nulla poena sine lege*” – no punishment of a crime without a pre-existing law. Under such circumstances, the defendant could not be held guilty of waging an aggressive war. (Minear, 1971:p28)

Since the basis for international relations was “... still the competitive struggle of states, a struggle for the solution of which there is still no judge, no executor, no standard of decision”, war could be regarded as a legitimate instrument of self-help against an international wrong (Pal,1951:p132). For such a society, the conception of crime was still a bit premature. Pal believed that any conception of crime in international life needed to be looked at from within the framework of the social utility of punishment. Reformatory, deterrent, retributive and preventive theories justify punishment. (Pal,1951:p132) In inter-national relations, the reformatory and retributive theories probably would not have any relevance. As for the other two theories, in Pal’s words: So long as the international organization continues at the stage where trial and punishment for crime remain available only against the vanquished in a lost war, the introduction of criminal responsibility cannot produce the deterrent and preventive effect. Viewed from this angle, the very basis of setting up an international tribunal becomes questionable. Moreover, as long as national sovereignty remained the fundamental basis of international relations, acts committed while working a national constitution would remain unjusticiable in the international system and individuals functioning in such capacity would remain outside the sphere of international law. This negation of individual responsibility was a logical progression of Pal’s theoretical beliefs.

Firmly committed to some to the tenets of Realism – to the extent that he believed in the existence of a self-help system where states acted to maximize power – Pal was not unaware of the cultural relativist position taken by the Allies. As he looked at it, one could not reconcile something like the ‘Truman Doctrine’ with concepts of self-defence, non-intervention, non-aggression.” (Vardarajan: 1998, p40, IJIL) If some victor states could not live securely in contact with governments having radically different ideas, were not defeated nation entitled to share the same feeling? Keeping in mind the lack of any universal standards, how could some nations sit in judgment over others? Pal strongly believed that: if an individual’s life or liberty is to be taken then it is imperative to measure his conduct by a standard having universal application. (Vardarajan: 1998, p40, IJIL)

Despite having misgivings about the creation of an ‘international community’ Pal believed that, given time and “...the vindication of law through a genuine legal process”, order and decency could be re-established in international relations. Till such time, however, any attempt to regulate international crime in the manner the Allies had done, would only be “formalized vengeance”. (Vardarajan: 1998, p41, IJIL)

Pal did not hold any brief for the Japanese; at no point of time did he condone Japanese actions. In fact, there is an implicit condemnation of the Japanese policy in the Pacific when he states that the belief in one nation having “interests” in the territory of others is indicative of a deluded mind. However, given these theoretical underpinnings. Radhabinod Pal could logically deliver just one verdict – “not guilty on all counts”. (Pal,1951:p136)

Before addressing the issue of Pal’s relevance to the current debate on international criminal jurisdiction, we need to look at the changes that have taken place in the international system in the past fifty years. These changes have, to a large extent, been influenced by the experiences

prior and during the Second World War. Keeping in mind the concerns, one can identify three distinct trends since the time Radhabinod Pal wrote his dissent: a growing concern with issues of human rights as seen in the codification of humanitarian laws; the emergence of the United Nations (UN) as a major step forward in the process of international organization; and the renewed interest in attempts to move from *ad hoc* international tribunals to permanent International Criminal Court.

The Nuremberg and Tokyo trials, all their drawbacks notwithstanding, served an extremely important purpose – that of exposing some striking gaps in the international legal system. These pertained primarily to :

- (i) the responsibility of individuals under international law, and
- (ii) the state of humanitarian law.

Even before the Second World War, Hans Kelsen had argued that, in the-ultimate analysis, individuals were the subjects of international law. However, only after Nuremberg and Tokyo did it become clear that international law could reach over and beyond traditional technicalities and punish guilty individuals. As the Nuremberg Tribunal put it:

Crimes against international law are committed by men, not by abstract entities and only by punishing individuals who commit such crimes can the provisions of international law be enforced.

Despite the objections raised by Justice Pal on this point, the trend of international law towards attaching direct responsibility to individuals has been reaffirmed by subsequent treaties.

'Crimes against humanity' was a category recognized for the first time in the Charter and judgment of the Nuremberg Tribunal. These refer to acts of a very serious nature, such as wilful killing, torture or rape, and are prohibited regardless of whether they are committed in an armed conflict, international or internal in character. A series of treaties and conventions over the years have contributed to the codification of humanitarian laws. The first act of legitimisation was the United Nations General Assembly (UNGA) resolution of 1946 on the Nuremberg Principles. It was followed by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.²³ Nazi atrocities, especially the holocaust which 'shocked the conscience of mankind' brought into sharp focus a problem which had never really been dealt with before – acts committed with the intention of destroying a particular national, ethnic or racial group. The Genocide Convention was the direct result of growing concerns over this issue. Apart from defining genocide, the convention makes it clear that such acts, whether committed in times of peace or in time of war, are crimes under international law for which individuals would be tried and punished.

The Genocide Convention was, in a way, a continuation of the 1907 Hague Laws of War. However, there were still issues regarding the conduct of belligerent states towards various categories of people. These were addressed by the 1949 Geneva Conventions.²⁴ These conventions regulate the conduct of war from the humanitarian perspective by protecting certain categories of persons, namely, wounded and sick members of armed force in the field; wounded, sick and shipwrecked members of armed forces at sea; prisoners of war; and civilians, in time of war. They form the core of customary law in international armed conflicts.

The issue of defining 'aggression', raised by Justice Pal in his dissent was tackled by the UNGA soon after the war. The almost insurmountable difficulties in completing this endeavour was illustrated by the failure of the two special committees set up in 1952 and 1954 to deal with the question of defining aggression. It was only at its seventh session (1974) that a special committee was able to adopt, by consensus, a definition of aggression that was later accepted by the UNGA. As per the existing definition, aggression means, "... the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any manner inconsistent with the Charter of the United Nations...". Though the definition tries to cover as many areas as possible, it definitely falls short of legal perfection.

Radhabinod Pal had claimed that the process of international organization was, at best, in its formative stages and states still belonged to a **self-help system**. However, it can be argued that the existence of the United Nations fosters the notion of an 'international community' even within the framework of Pal's understanding of the term. The inability of the League of Nations to prevent the outbreak of the Second World War did not really affect the process of international organization. Even during the course of the war, the Allies were discussing the possibility of setting up an organization which would take over from where the League left off. The result was the United Nations which came into being in October 1945. The membership of this body has gradually increased from a little over 50 to over 180 nations today. The importance of the UN lies in the fact that it has proved to be an extremely effective forum for states to debate and decide upon standardized norms. Most of the conventions and treaties that have been signed and ratified in the past five decades have owed their existence to measures initiated by the UNGA. Issues of international concern ranging from human rights to drug trafficking have been taken up by one or other of the UN bodies. The Charter gives both the General Assembly and the Security Council the right to discuss issues affecting international peace and security. Norms, such as those against the use of force in international relations, have been strengthened by the decisions of the International Court of Justice (ICJ).

One of the main reasons for Justice Pal's dissent was that he felt any tribunal established by the victor in a war would not be able to provide justice. The UN Charter attempts to resolve this problem by giving the world body the right to take action against states which violate the spirit of the Charter. Such actions could include setting up of an international tribunal to prosecute perpetrators of crimes against humanity. In the normal course of events, state parties would conclude a treaty to establish a tribunal and approve its statute. This treaty would be drawn up as approved by either the UNGA or any specially convened conference. The final step in the procedure would be to open the treaty for signing and ratification. While this approval would ensure that all issues pertaining to the establishment of an international tribunal would be subjected to close scrutiny, it has the disadvantage of being extremely long drawn out. An alternative approach that would expedite the procedure is to establish an international tribunal by means of a Chapter VII decision. This basically implies that the international tribunal would be the result of an enforcement action taken by the Security Council (SC) under the provision of Chapter VII and all states would be under a binding obligation to take whatever action was required to carry out the SC's decision. An international tribunal thus established would not actually be creating or 'legislating' law; it would merely have the risk of implementing existing humanitarian law.

The UN mechanisms do not guarantee implementation of humanitarian laws. However, by making provisions for dealing with violation and providing a forum for the ongoing process of standardization of norms, this organization has tackled many of the questions posed by Radhabinod Pal.

The draft statute of the ICC presented by the International Law Commission (ILC) in 1994, was the results of a concerted effort which was resumed in 1989 when the UNGA requested the ILC to work on such a draft. Since the end of the First World War, there had been attempts to create a court which would enforce international criminal responsibility. The main objection to such proposals was that there was no International Penal Law recognized by all nations. Over the years, there has been a growing awareness of the fact that it might not be possible to establish a definite international criminal law to which all states adhered, in the near future. Even in national societies, criminal law has taken a long time to develop and had been preceded by civil law. Moreover, there existed rules on subjects ranging from war crimes and genocide to drug-trafficking and terrorism, which were recognized by all states as part of customary *international* law. An additional problem was posed by the fact that the only other body that could serve the adjudicatory purpose of a criminal court was an international tribunal, *ad hoc* in character and created to deal

with specific breaches of international law. All this resulted in greater attention being paid to the proposal for an ICC.

The ILC draft envisages a court which would exercise jurisdiction only over the “...most serious crimes of concern to the international community as a whole”. The categories of crime over which the court could adjudicate include genocide, aggression, war crimes, crimes against humanity, and treaty crimes (Art. 20). The enumeration and categorization of crimes in the draft statute is more comprehensive than that in the statute of the international war crimes tribunal. The draft not only covers areas like the crime of aggression, but also includes the grave breaches of the 1949 Geneva Conventions in the aforementioned ‘treaty crimes’ Apart from detailing the pre-conditions to the exercise of jurisdiction (Art. 21), acceptance of the jurisdiction of the court by states (Art. 22), and action by the Security Council (Art. 23), the draft statute also focusses on the procedural aspects of the proposed court. Despite its efforts to cover as many areas as possible, the draft statute leaves a lot to be desired. The problems start from the way the court is envisaged in the Preamble itself, giving rise to several questions over the court’s jurisdiction and its relations with national courts. These are the issues that are most likely to be taken up when the UNGA debates the draft in 1997. The problems with the draft statute notwithstanding, this proposal under-mines many of Pal’s beliefs, especially those pertaining to states ever accepting universal norms.

For waging the war in Iraq in 2003, codenamed ‘Operation Iraqi Freedom’, America was never indicted in any international court or tribunal. Although Iraqi dictator Saddam Hussain was not put up before any international criminal court or tribunal, but tried by a local Iraqi ‘kangaroo’ court, before being hanged by a judicial verdict. Although the effect of victor’s vengeance remained the same, yet the farcical process of setting up ad hoc tribunals seems to have somewhat been deterred.

The international tribunals set up to prosecute perpetrators of crimes against humanity in the former Yugoslavia and Rwanda have been cited as illustrations of the existing universal regulatory mechanism. At one level, any comparison between the tribunals in Yugoslavia and Rwanda and that established in Tokyo over fifty years ago would be meaningless: the circumstances are different, the parties involved are different, and the method of enforcing the regulatory mechanism is different. Politics does play a very important role in determining international crimes, but in the case of Yugoslavia and Rwanda, there was a general consensus about the extent of human rights violations and the need to set up tribunals to prosecute the violators. While these were important determinants, what probably swung the balance in favour of setting up the tribunals was that none of the powerful states would be put in the dock as defendants. *The concept of ‘victor’s justice’ may no longer exist in the form it was visualized during the Tokyo trials; however, it is still extremely difficult to envisage a situation where tribunals are set up to try a country like the US for violation of humanitarian laws.*

The International Criminal Court is being projected as the solution to this problem. Since the court would be permanent and would have a definite jurisdiction, it would probably provide a more equal justice than the concept of *ad hoc* tribunals. While sound in theory, this would not bear close scrutiny in actual practice. The draft statute proposed by the ILC makes it clear that the court can exercise jurisdiction only after states parties accept its jurisdiction. The concept of state sovereignty is too deeply rooted in the international system for any state to accept, without any pre-condition, the jurisdiction of a body like the proposed criminal court. The ‘fundamental gap’ in international relations—no state is bound to submit its disputes with other states to a binding judicial decision—seen by Radhabinod Pal during the Tokyo trials exists even today. Even while holding that “nations have not yet considered the condition of international life ripe enough for the transposition of principles of criminality into rules of law in international life”, Pal believed that : if and when international law would be conceived to govern the conduct of individuals it may become less difficult to project an international penal law.

Though international law does not actually 'govern the conduct of individuals', the concept of individual criminal responsibility has become an accepted norm. But has it made the development of an international criminal law any easier? Despite the existence of rules governing the conduct of states and to a certain extent influencing the behaviour of individuals, one still has to deal with the question of what makes any act, a 'crime'. An answer to this question is provided by Judge Pal in his dissent. While discussing why piracy alone was chosen for international regulation, he makes it clear that it is not because of theoretical considerations regarding the nature of international crime, "but by various political motives, the interest of one country or a group of countries in the combat against a given crime, material facilities for the organization of such combat..." (B.V. A. Rolling & Antonio Cassese, 1993: p 38) Unless and until we reach a point where a crime against one state would be seen as affecting the interest of all the states, it would be extremely difficult to construct an international criminal code.

This is not an attempt to uphold or justify Radhabinod Pal's theoretical beliefs. Indeed, some of his views are contestable. An example is his championing of national societies as 'cohesive' and the ideal toward which the international society ought to move. Whether nations can be really regarded as 'communities' within Pal's own conception is itself debatable. Moreover, how can the level of integration of values be measured in domestic societies; problems like hegemony and cultural relativism are not unique features of the international system. They exist even within national boundaries. Even if the level of integration in national communities is greater than that of the international system, this takes place over a long period of time. Presuming that we want the international legal system to resemble the municipal legal system, what would be required is a longer time frame. While dealing with the issue of 'social utility of punishment', Pal conveniently overlooks the deterrent effects of tribunals and the norms they create. We may not be living in a perfect world where all offenders are judged by the same criteria, but the creation and internalisation of norms would contribute immensely to the development, and eventually, the codification of law.

The Tokyo trials concluded at a time when India had just emerged as an independent nation. Radhabinod Pal was an Asian, a citizen of a country that was trying to redefine the international system, a country which had not really borne the brunt of Japanese actions during the war. These factors probably did influence his opinion and verdict. Pal's reading of the international system, moreover, reflected the dominant theoretical paradigm of the day, namely, Realism. Whether he might have interpreted the system differently if exposed to other approaches remains a matter of conjecture.

Radhabinod Pal's dissent is the first main critique of international tribunals by a participant in the process. At a time when the international community is refocussing attention on this particular mechanism to implement humanitarian laws, the significance of Pal's dissent lies in the nature of the questions it raises; questions regarding the process of norms formation, of individual criminal responsibility, and of the possibility of creating an international criminal law. While the questions remain relevant, Pal's analysis falls short mainly because of the limitations of its theoretical paradigm. Concepts like anarchy and sovereignty, which Pal regarded as static and given, are now being questioned.

For Pal, sovereignty was an unchanging factor : a factor that needed to be respected in international relations. Hence, his emphasis on individuals not being liable for prosecution for acts committed in their official capacity. There has been a historical tension between state sovereignty (which stresses the link between sovereign authority and a defined territory) and national sovereignty (emphasizes a link between sovereign authority and defined population). In their opinion, the current period is one where international norms legitimize national rather than state sovereignty; one could, therefore, expect the international system to be more sympathetic to the claims of ethnic groups even within state borders. Placing Pal's dissent in this framework would give us some interesting answers to the questions he posed.

Pal had held that law would be meaningless if its obligation is dependent on the mere will of states. Given that state borders are no longer regarded as sacrosanct, the fear of international intervention might motivate states to respect human rights more than they did in the past. While the standardization of norms is an ongoing process, one important implication of the 'nation' being given priority over the 'state' is that the international community may no longer be willing to turn a blind eye to "gross abuses by governments of their population". In such a context, the creation and implementation of an international criminal law may not be as improbable as it seems. The proposed draft statute has many obvious loopholes, especially pertaining to areas of jurisdiction, law applicable, admissibility and above all the definition of the category of 'crimes of concern to the international community as a whole'. Despite these drawbacks, the ICC promises the best way to ensure to some extent at least, the implementation of humanitarian laws, although it is not a perfect antidote to the malaise of 'victor's justice'. (B.V. A. Rolling & Antonio Cassese, 1993: p 35)

As Pal pointed out more than fifty years ago, we do not have a perfect international community with a high level of integration of values; what we do have is a system in which despite its flaws, certain laws can and need to be implemented to preserve the dignity of the individual.

An observation or finding comes to the forefront that scholars have previously identified and articulated lessons from Tokyo or that the international community has not already been applying some of the lessons in contemporary war crimes trials. The stain of victor's justice has persisted since the Tokyo and Nuremberg Trials were conducted precisely because there is substance to the critique. The partisan imposition of justice by the winners upon the losing side in the war can never satisfy demands for impartiality, systematicity and consistency. The international community seems to have accepted that the Tokyo and Nuremberg model is sub-optimal in the pursuit of justice (Totani, 2008; p218). The International Criminal Court (ICC) represents an important breakthrough in the sense that it is permanent-not ad hoc for specific conflicts-and because it has general jurisdiction -not established by the winners of a conflict to try out the losing side. The existence of the ICC as the world's first permanent international criminal tribunal is no guarantee against the establishment of new ad hoc criminal tribunals. The establishment of Special Tribunal for Lebanon, by the UN Security Council-the ad hoc tribunal to try those allegedly responsible for the assassination of the former Lebanese Prime Minister Rafiq Hariri-following the entry into force of the Rome Statute is indicative of precisely this sort of mutual coexistence. (Tanaka, McCormack and Simpson, 2011: p354) Even in those unusual circumstances, where the UN Security Council considers an ad hoc tribunal desirable, the Council will not revert to the Tokyo/Nuremberg model bestowing its imprimatur on a tribunal established by the winners against the losers. A non-partisan approach to justice is now viewed as an inextricable element of multilateral involvement in the process. The ICC may not be able to try all deserving cases and the challenge of achieving an impartial, systematic and comprehensive approach to global justice remains the single greatest challenge facing the ICC and all those in the international community committed to the ideal. An important general lesson from Tokyo and Nuremberg, also evident in the contemporary evolution of international criminal justice system, relates to the rules of evidence and procedure and the guarantee of fair trial rights. All recent international and hybrid ad hoc criminal tribunals as well as the ICC itself have invested significant time and energy in the development of defensible rules of evidence and procedure which guarantee fair trial rights to the accused. (Tanaka, McCormack and Simpson, 2011: p354)

Conceptually reference were made to the judgement of Dr. Radhabinod Pal, in the Tokyo Trials and analysis was made in the light of the evolution of the international criminal legal regime and its operation in the international system. Dr. Pal's dissentient judgement in the Tokyo Trials represent the voice of the "vanquished in war" and more so of the "third world" countries and constitute some sort of a resistance to breaking away from the "hegemonic" position of the victorious powers. The contemporary world order seems to reflect the hegemonic position of the

dominant powers in almost all spheres and the international criminal legal system is no exception. Several instances go to prove the mere perpetuation of the "Victor's Justice" regime and its virtual institutionalization through the setting up of the I.C.C. which is merely a tool at the hands of the dominant powers to define and establish their own standards of criminal justice, at the total cost of an egalitarian system of justice. The research has strived to point out the significance of Dr. Pal's dissentient judgement in the light of contemporary developments in criminal justice system and illuminate the relevance which the same has or how it can be a guiding light for the lesser vanquished powers to strive for setting up an egalitarian criminal legal system. The process of evolution of the legal regime of war crimes and international criminal law should in some way reflect the voice of the 'vanquished' and not merely institutionalize the hegemonic position of the victorious powers and the concept of "Victor's Justice". The challenge is to free international criminal legal regime from the clutches of major power politics – a path shown before the world by Dr Pal in his Tokyo judgement, while showcasing the Japanese case. This may be the guiding light in the sphere of international criminal jurisprudence in the years to come.

Pal's uncompromising position seems to be an outgrowth of academic pique, as a radical 'fringe position', or as a luxury enjoyed by a jurist writing without an emotionally-invested constituency. "(Kopelman,1991: p439). Pal only emerges as a comprehensible voice when he is held up against the dominant American vision. His work is a very early example of differing Third World perceptions of Western legal concepts(Nandy,1992:p79). Pal agreed that the basis of international relations is still the competitive struggle of states, where there is no judge, no executor, no standard of decision. There are still dominated and enslaved nations, and there is still no provision anywhere in the system for any peaceful readjustment without struggle. In arguing throughout his Dissent for the evenhanded enforcement of the conventional rules of war, Pal insisted that until nations came to adopt the same standards of morality, world law cannot regulate their behavior. Nor could international institutions, international military tribunals, "produce by sleight of hand a moral consensus where none exists. World Law must express world community; it cannot create it"(Pal, 1951:p52). Pal seemed to be an ideologue of a different kind, someone offering his assessment of the proceedings in the light of an alternative world vision. Perhaps Pal may best be seen as an early believer in what one may consider as a third world alternative to the prevailing Eurocentric ideology in international relations, also reflecting anti-imperialist and pan-Asian sentiments"(Kopelman,1991: p425).. Jurists have a duty to speak out coolly but firmly when when an innovation seems to be of doubtful value, retrograde or dangerous. Pal attempted to do this and his position throughout was one of *fiat justitia ruat coelum*-do justice though the sky falls. His attempt at objectivity essentially comported with Gandhiji's plea to " let hundreds like me perish, but let the truth prevail. Let us not reduce the standard of truth by even a hair's breadth for judging erring mortals like myself"(Kopelman,1991: p439). As a dissenter among the judges, Pal functioned on the basis of his formal knowledge of international law and, in the established language of legal scholars, as a strict constructionist who went by the letter of the law. As a dissenter among dissenters, Pal functioned on the basis of a cultural concept of justice, camouflaged by his self-taught knowledge of international law. Pal raised his voice against the Western racism in Asia. And it was this exposition of the notion of 'victor's Justice', so succinctly done by Pal, that had opened up new vistas in the realm of modern international criminal law. The spirit of his judgement still smacks off relevance and contemporaneity in the international legal sphere. It may be argued that it continues to have somewhat of a deterring effect in the process of blatant imposition of mere 'victor's justice' in contemporary times. The challenge still remains to free the same from the clutches of major power politics, democratize the system and make it an arena wherein the voice of the Third world countries are also heard and reflected.

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Impact and Implications of the US Foreign aid in Afghanistan (2001-2014)

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ABSTRACT

The proposed study critically evaluates the US foreign aid in Afghan nation building process. The study shows how foreign aid to Afghanistan driven solely by the US interests rather than considering the Afghan political, social and economic needs. The objective of this paper is to find out the political reality of the US foreign aid given to Afghanistan in a post 9/11 era. This research attempts explaining the areas which are of high priority, extremely vulnerable and have been a neglected part since 2001. The primary sources of this research based on the UNDP report, Government reports of different countries and the Millennium Development Goals report of Afghanistan. The secondary sources are collected from books, reports, and documents.

Key words: *United States, Afghanistan, Security, Foreign Aid.*

Background

Foreign aid is considered as an essential tool for implementing foreign policy. During the cold war, foreign aid was an important catalyst against communism. Soviet aid also tried in countering the Mujahidin's effort to dismantle the government in Afghanistan. After the cold war was over it became a preliminary option for world powers to engage in international affairs. Foreign assistance has been a permanent characteristic of the Afghan nation after the cold war period. The aid became necessary for humanitarian assistance and forged with the agendas of cold war and post-cold war issues. Not only the amount of the assistance given but also its nature of provision was considered to be determined the factor by the Development's Working Party on Aid Effectiveness.

Economic and human development is considered to be prime measures of the aid effectiveness in terms of development. Aid efficiency, capacity building and government support are the broad areas targeted by aid effectiveness. Flaws in aid and diverse fragmentation were clandestine of the last decade. Though the number of donors has increased funding but with the simultaneous increase of the no of projects the overall distribution amount has decreased. To this end, the international communities came forward in Paris forum to discuss the effectiveness of aid. It was attended by over 100 signatories ranging from international organizations, government from both developing and developed countries with the mutual consensus of how to bring in more efficiency and accountability in raising, distributing and financing aid effectively. The Paris Declaration had five core principles. These are ownership, credible national development strategies, adoption of standard procedures, mutually accountable and strengthening of partnership. The main focus was concentrated on agriculture, health, infrastructure, capacity building and trade.

During 1930's Afghanistan was not an aid dependant country. Although it accepted aid from two rivals power former the Soviet Union and Britain in a very balancing manner without compromising its sovereignty. Whereas Nadir Shah received AID from Britain, his son Zahir Shah asked assistance

from the former Soviet Union. Before the onset of World War II, Afghanistan seemed to seek for assistance from other countries like Germany, Italy, Japan as these countries had no interests to interfere into the domestic affairs of Afghanistan like the Soviet Union and Britain had. They both tried to help Afghanistan in order to possess a control over the Afghan internal affairs. The Soviet Union tried to build the airline connection between these two countries.

After the end of the second world war, the humanitarian aid became a significant aspect of the diplomatic relationship. Even before the 1960s, the Afghan economy was determined by the cold war to a considerable degree. In order to maintain a balanced relationship, Afghan government took assistance from both the capitalist (USA) and socialist (USSR) sides. During the cold war era, the big powers involvement in the Central Asian region became rampant. Under the leadership of Daud (1953-1963), the finance system became aid dependant highly both on the USA and the Soviet Union.

9/11 and Aftermath

On 9th September 2001 Al-Qaeda under the leadership of Osama bin Laden attacked the world trade centre in the US. They hijacked four airplanes and executed suicide attacks against the United States. They crashed the airplanes on the World Trade Centre and the other one hit the Pentagon. This event is known as 9/11 and caused a havoc material and physical damage in the US soil resulting US invasion in Afghanistan. Nearly three thousand people including four hundred police and rescue officers were killed in this attack in New York and Washington. The US government pressurised the Taliban in Afghanistan through the Security Council of United Nations to hand over the Al-Qaeda leader Osama bin Laden and stop helping him by providing safe havens (Akhtar, 2014). When the Taliban government refused to do that, they declared war on Afghanistan. The Bush administration along with the help of the United Kingdom and the Northern Alliance of Afghanistan attacked Al-Qaeda and its leader Osama Bin Laden (Operation Enduring Freedom) to dismantle them in Afghanistan. The international forces successfully threw the Taliban regime from power. After an initial success of the Operation by the international forces, the country needed to be rebuilt as there were no government institutions, police forces or infrastructure.

After an initial success against the Taliban, the international community and the Afghan representatives felt the dire need to establish a democratic government to govern the country. It was also important for the government to be represented by political parties, religious groups, the various ethnic groups within the Afghan community. In late 2001, representatives of different ethnic groups of Afghanistan, Afghan military commanders, representatives of the exiled monarch and expatriate Afghans gathered in Bonn, Germany under the guidance of international powers to decide the future of Afghanistan by making a legitimate government following a free election. The International Community signed the Bonn agreement in 5th in order to build the future of the Afghans. According to the charter of Security Council (2001), while adopting the resolution 1389 it was decided by the countries that there is a need for action to provide help to the institutions of interim nature as had been established by the agreement on the basis of a report by the security general and also to look into the proper implementation of the Agreement and the annexes.

The parties agreed to establish an interim authority headed by Pashtun leader Hamid Karzai, a special commission for Loya Jirga and an independent supreme court. The international community assured the authority to fight against the terrorism, drug trades and other kinds of organized crime in the country. They obliged to follow the rules of humanitarian law and ensured the political participation of women in the government. The Loya Jirga selected Hamid Karzai as the president of the interim government. Under this administration, a new constitution was drafted which aimed to create a full-fledged democratic structure of the government. Though the Bonn Conference could be evaluated as a success story, there were some criticisms and doubts about the culmination of the signed agreement. Through the conference, much of the power was handed

over to the president and some to the provincial government and local leaders. The UN Secretary General Kofi Annan expressed his concern over the agreement. He said that in spite of having some achievements especially in fulfilling political goals, the overall success of the Bonn conference was uneven across various sectors (Youngs, 2005).

Post-2001, the International community had pledged huge AID through several international conferences. But the Afghan government was not satisfied with the procedures the donors followed. The contradictory views regarding aid disbursements procedure between the international community and Afghanistan led to misunderstanding. After the collapse of the Taliban government in the country the authority is still to make its decision to utilize the amount of aid fruitfully. The international community involves their own contractor and private sectors to channel their aid in Afghanistan. The shortage of troops and resources has also acted in favour of those tending to disrupt peace. Within this aid transferred by international donors, also lies hidden consultant salaries and profits which are estimated to be as large as 40% of total aid given. The international presence in Afghanistan is mainly mugged by competitive relations, overlapping mandates and minimum accomplishments. However, one can also, witnessed the rise of harmful elements like drug trafficking, criminal activities, the Taliban activities due to the diverge and defuse efforts made by the donors.

Role of the United States

The United States is the leading donor and played the largest role in Afghan reconstruction programme. According to George W. Bush, the given AID was aimed to free people from the extremist Taliban rule and provide the daily needs of those people. It also helped to build favoured Afghan opinion toward the US helpfulness. The US government provided US\$104.1 billion for the Afghan reconstruction fund as of 2014. In the new FY2015, it additionally provided US\$5 billion. However, more than 60% of the total amount was used to strengthen the security system. The United States channelled its 18 % AID through the United States Agency for International Development (USAID). The USAID has a long-term development project even after 2014. The rest of the amount which is significantly small was given through the state departments and multilateral agencies. Out of the total aid given (2001-2013), 89% was provided outside the Afghan government budget whereas only 11% was spent through on a budget (Ministry of Finance, Afghanistan, 2012). Compared to the other countries the USA contributed the largest amount of AID through off-budget.

Capacity Building Measures for Security

Proving safety and bringing peace was the top priority of the US government to Afghanistan. After the fall of Taliban government, the war-torn country had no army or police to protect its citizen from internal and external threats. The US government provided \$109.62 billion from 2002 to 2015 (September) in the Afghan reconstruction project. Out of this amount, more than US\$65 million was spent to ensure the security. This includes the building of the Afghan National Army, Afghan National Police and counter-narcotics programme. The US government also helped to build the local Afghan police to serve the communities in Afghanistan (Special Inspector General for Afghanistan Reconstruction, 2015)

US Cost in Various Sectors (2002-2015) (in billion \$)

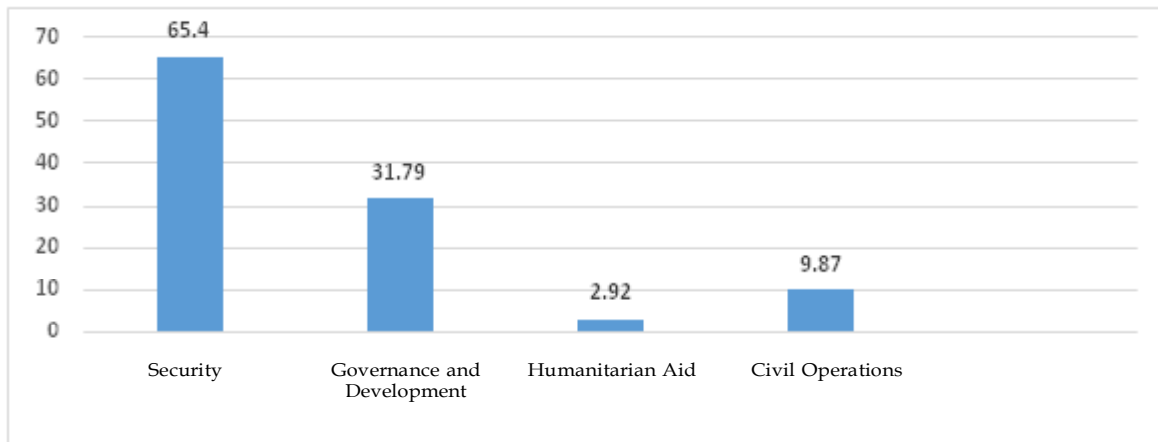


Figure I

Source: Special Inspector General for Afghanistan Reconstruction (2015)

Figure I shows the US cost in Afghan reconstruction projects from 2002 to 2015. In this extended period of time, it has its highest contribution in the security sector. It contributed US\$65.4 million to build Afghan defence sector in various levels and counter-narcotics programme. The counter-narcotics programme includes eradication of poppy cultivation and to restrict the opium trade from Afghanistan. The growing poppy cultivation directly sponsors the extremist group movement in there and made them financially stable. The next significant contribution can be seen in improving government and development, pouring US\$31.79 million in this sector. In various civilian operations, the US spent US\$9.87 million and as a humanitarian contribution, it donated US\$2.92 million.

Economic Sector

The US government tried to boost up the private sector encouraging the market economy. According to US data, the growth rate increased to 3% since 2001. Even the revenue collection continued to grow, and in 2012 it was 11.3% of total GDP. This depicts a clear sign of economic improvement. They helped the Afghan authority with technology to collect the customs. Afghanistan is one of the poorest countries in the world. A self-sustaining economy is a prerequisite for its development. The US government tried to introduce market economy in Afghanistan. The country committed itself to expand business and to attract international involvement in the economy. In pursuit of these goals, they promoted new market-oriented laws and reforms compatible to a market economy. It encouraged trade in regional level and demands for more transparency. Afghanistan is rich in minerals, but due to lack of proper knowledge and technology, most of the part is untapped. The US government helped technically to the Ministry of Mines and Petroleum to extract those natural resources and negotiating in the world market. It also contributed to boost its trade in its neighbouring countries.

The US government is also supporting the telecommunications sector in Afghanistan which is booming industry which involves nearly 1.5 lakh people. They are introducing new reforms to the Ministry of Communication and Information Technology for the growth of this sector.

Agriculture is the primary economic source in Afghanistan. More than 69% of Afghan people are connected with this area. It also creates the largest share of Country's GDP. Before the war against the Taliban the Afghan agricultural product had a worldwidename, but after the war, it lost its glory in the international market.

In Afghanistan to confirm the food security and eradicate poppy cultivation US government tried to increase the agricultural productivity. An Agricultural Bank was established worth \$100 million to help the farmers. As of 2013, \$37.6 million dollars has been used, and more than 21000 farmers came under this bank's scheme. The private sectors initially found its interests in agriculture. They helped with modern technology, seeds, fertilizers, etc. The women's participation in agriculture was also encouraged.

U.S. assistance to Afghanistan's agricultural sector focuses on creating export markets, increasing incomes and productivity, creating jobs, enhancing food security, and strengthening the Afghan government's ability to promote broad-based growth (USAID, 2015).

It also tried to improve the irrigation system for agriculture so that the farmers can grow more than one crop in a year. They decided to expand the area of cultivatable land in the barren region. Tree planting, proper irrigation, to reduce soil erosion are the main jobs done by the US government so far. They also helped in processing and marketing of the product for the economic security. The Afghan farmers now able to sell their products in the world market and can also attend world agricultural fair. Because of their efforts, many women could participate in the farming system. The US also provides immediate security to and kind of manmade disaster that could damage the agriculture.

Since 2002, USAID distributed fertilizer, seeds, tools and technology to nearly hundreds of thousands of farmers to increase the agricultural production. By 2014, USAID helped to generate more than \$306 million in sales and services for agriculture and related businesses. More than 1.5 million people received training from the US government and provided credit to more than 24,600 households while providing financing to agribusinesses that has generated 2,913 jobs (direct and indirect). In total, USAID investments in agriculture have helped create over 358,968 new agricultural jobs (USAID, 2015).

Infrastructure Development

The USAID contributed an enormous amount in infrastructure including the transportation system, energy sectors, buildings, etc. To increase the trade volume and government services it completed more than 2000 km of highway. The US government help people to access to electricity. From 2002 to 2013 the rate of individuals accessing electricity grew from 6% to 30%. Thus more than 2 million inhabitants now can enjoy 24 hours of electricity. The Afghan National Power company (DABS) became a self-sustaining body with the help of the US government. They also contribute to bring transparency in revenue collection. In just four years (2009-2013) the tax collection reached double. In southern Afghanistan, they helped 40000 households to have access to hydroelectricity.

Social Sectors

Education

The US government promoted basic, primary and higher education in Afghanistan. It also encouraged girls to access to education. During Taliban regime, no girls were allowed to have education at any level. In 2013, more than 8 million children attended school, and 37% of them were girls. Not only the students but also the teachers were supported by the US. More than 11000 teachers enrolled themselves in English and professional development programme. The US government also tried to reach the provincial level where education facilities are very low. In order to produce more efficient officers in Afghan administration, it offered new courses in education and public policy. In the administrative level, the country improved the Ministry of Education and Ministry of Higher Education system. The US government tried to promote education that can sustain for a long time.

Health

The US government tried to improvise the health care system through strengthening the Ministry of Health department. It mainly focused on maternal health and child care. AS a result of external help maternal mortality has decreased by 79% since 2002. In 2002, only 498 medical centre were functional in the country, in 2013 the number grew to more than 2000. More than 21 million people were able to have primary health care services across the country in 2013. Infant and child mortality rate were also decreased to 53% and 62 % respectively (USAID, 2015).

USAID improved the capacity-building measures of the Ministry of Public Health to enhance its management systems and financial procurement. In order to improve the ability to plan, analysis, resource management, to strengthen the human capacity, logistic support, evaluation USAID continues their help at the ministerial level. This made the Ministry of Health as an accountable, transparent, responsible institutions (USAID, 2015).

Politics and Governance

The US government tried to make a legitimate government in Afghanistan. They helped Afghan officials in capacity building programme to make an independent electoral commission, the National assembly and the supreme court. It also encouraged the civil society in Afghanistan to raise and work on the social issues.

After the fall of the Taliban, it became crucial for the US government to make a democratic, transparent and accountable government for the Afghan people in order to promote national unity. They also encouraged the role of women in politics and encouraged their role in governance. They brought some changes in electoral process, justice sector and executive mechanisms and invited all the ethnic groups to confirm their presence in the government. They supported the Afghan-led development strategy in order to perform society led reforms.

Humanitarian Assistance

United States tackled the humanitarian needs through the USAID agency. It provided humanitarian assistance and other needs in the conflict-prone region to build a peaceful situation. It tried to maintain a community-based framework to gain flexibility in disaster and another emergency situation. It took a cooperative and coherent approach for the preparedness in case of emergency. The agency provided many daily items including food for the affected people. Their primary focus was on the internally displaced persons and the vulnerable groups like women, children and others. They tried to build a quick response capacity for the needy people in case of conflict, natural disaster and other humanitarian needs besides improving data collection, analysis and enhance their own capabilities (USAID, 2015).

Implications for the Economy, Society and Security

Economic Sector

During the first years of 21st century, Afghanistan experienced severe drought, international sanctions on its politics and economy, famine, the poor investment made it nearly a failed state. Regardless of the sanctions, the US government contributed \$43 million in 2000 for Afghanistan to handle the famine crisis. (Global Research, 2014). The Afghan economy improved a lot from 2001 as a result of international financial assistance to this country. The waning security scenario and a bleak political future are discouraging the foreign investment and likely to have an adverse effect on Afghan economy. According to the world bank report (2016), the financial growth rose slightly in 2014 than the previous year resulting 1.3% to 1.5%. There is no domestic demand and no sign of private investment in the country. The little investment amount in 2015 is smaller than the that of 2012. The report showed that consumer price fell from 4.5% to -1.5% after the troop's

withdrawal in 2015. Agriculture is the second largest source of GDP growth in Afghanistan is assumed to be decreased in 2015 by 2%. Nearly half of Afghan population is dependent on agriculture, and such fall would further deteriorate the poverty situation in the country. The lack of jobs for the youth and increasing social insecurity is resulting in people migration to other states. The migration also one of the leading causes of capital outflow from the country. The fiscal situation is improving in the country. According to the world Bank report domestic revenues recovered by 2% in 2015 than the previous year. The Afghan government is taking several steps to cut unnecessary expenditure resulting only 1.5% increase in spending in 2015. They are also trying to improve the revenue collection system and to adopt a more realistic budget for the future. In the absence of international troops, the aid flow started to decline. As a result, the foreign currency became more valuable and exchange rate devalued by 7% against the US currency. The international community is expecting a gradual growth in future although the worsening security and political situation could pose a serious threat on this trend.

According to the world Bank report published in the Global Research the growth rate of Afghan GDP is 9.2% during 2003-2012, and its highest rate was in 2012 having 11.8%. However, this rate fell in 2013 to 3.6% in spite of great agricultural production in that year. This indicates in future the GDP rate could decline again in the country. According to an IMF representative in Kabul, the economy of Afghanistan improved since 2001 and resulted in low inflation, debt and high international reservations. He expressed his satisfaction over the balanced reform in the economic sector and a practical budget programme. Though, he is concerned about the vulnerabilities and risks which could weaken the economy. After the invasion of Afghanistan, there was a high demand of service sector for civil and military personals in the country. During the war, the service sector generates over 50% of the GDP due to the demand for services (Global Research, 2014). After the war is over the international community, emphasize on the development of the agricultural sector to make it a self-sustained country. Global Research (2014) questioned the coexistence of such economic growth with rampant corruption, poverty and unemployment. They showed that the contribution of agriculture and industry in the GDP growth declined by 24% and 18.6% respectively whereas the service sector increased by 30%. Needless to say, the service sector is the main contributor to the growth of Afghan economy during the war. Only the service sector had a noticeable change through the years. The troop withdrawal and the reduction of the war-related expenditures are the main reasons for the decline in economic growth. Another factor poppy cultivation has no impact on the growth. In 2000 only 2000 hectares were poppy cultivated land whereas in 2014 it increased to 224000 hectares which are the largest share of land. In 2013 Afghanistan provided US\$61.2 billion of opium supply in the world which has no output to the Afghan economy (Global Research, 2014). Corrupt Afghans and politicians take the illegal money earned from this product. Thus large portions of international assistance are used for illegal businesses.

As the largest source of Afghan GDP is agriculture, a huge part of the economy is dependent on foreign investments. What the government is losing is the ability to build any free economic policy for a stable future. Due to a massive flow of dollar in the country, a specific monetary policy could not be maintained. As a result of high inflation rate, people became poor mainly in the rural areas and lost their purchasing power. Many people are not able to meet their basic needs in day to day life. The prolonged war in the country removed the middle-class income people. The foreign funding only helped the warlords and corrupted politicians in the long run. The flow of aid benefitted the urban people especially in Kabul where there is a dire need of service sectors. But in the rural areas where most of the people live, poverty increased as there is no sign of service sector. It is true that there is a growth in the service sectors like telecommunication, hotels, airlines, banks, restaurants, and small businesses during the war. But after the war, there is likely to be a decline in the service sectors. The poor economic infrastructure would not be able to subsidise the service sectors. Some reports on per capita income in deceptive in the country.

The Afghan economy has been holding a stable form during the first twelve years. But it collapsed in 2013-2014 due to the announcement of troops withdrawal, stagnant political system, lack of capacity building. The international community committed to their contribution even after the troop's withdrawal from the Afghanistan Reconstruction Trust Fund. The drawdown of international forces has an adverse effect on Afghan economy. Though its economy has been facing challenges even before 2014. After the announcement of troops withdrawal, the donors became discouraged in the region. Its inevitable effect is visible in various sectors. In the last decade, Afghan economy was heavily dependent on aid. Almost 100% of Afghan development budget and 45% of the operational budget is financed by the international donors (The Diplomat, 2015). However, Afghan GDP enjoyed a steady growth since the fall of Taliban in 2002. The future of foreign investment in the post-NATO period is also uncertain. The main reason for this uncertainty is the lack of stable political structure and rampant corruption in government.

Afghanistan GDP (2006-2014)
(USD Billion)

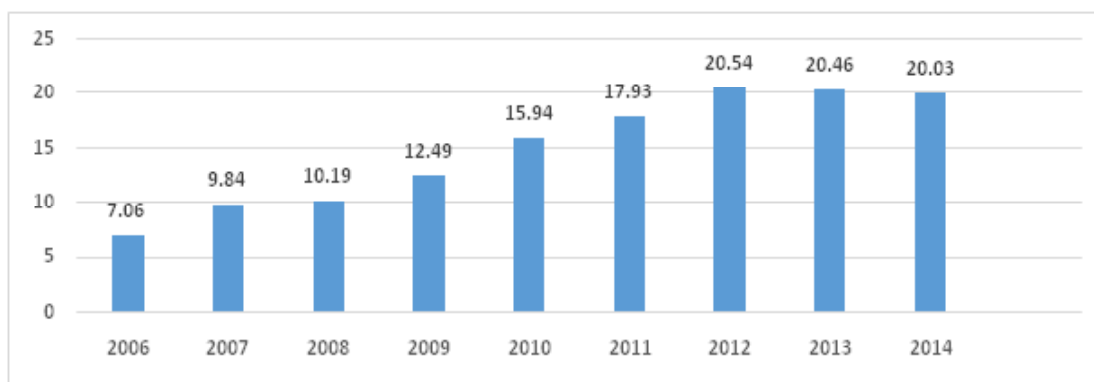


Figure II

Source: Trading Economics, 2016

Figure II Shows total GDP in Afghanistan since 2006. In 2006 the GDP was US\$7.06 billion. After that year, there is a steady increase in GDP that continues to grow till 2012. In 2012 the GDP reached its highest point having US\$20.54 billion. After 2012 the GDP slightly fell in 2013 and 2014.

Education

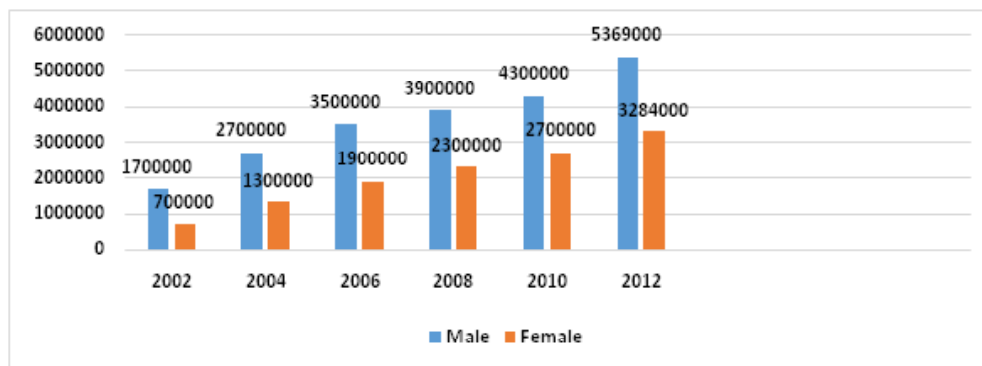
During the war, the lack of security, political instability and corruption hindered the education process in the country. Despite many barriers, Afghan education sector showed an impressive growth. There is a steady progress in the net enrolment number in education. According to the Afghan MDG report (2012), from 2011 onwards every year the net enrolment number increased by 3% relating 71% in 2010 to 77% in 2012. The literacy rate (15-24 years) is on the rise in Afghanistan. According to 2012 MDG data from 2003 to 2001 literacy rate increased from 34%-37%. Till 2010 the rate again increased to another 2%, but in 2012 the rate sharply increased 12% resulting 47% of literacy rate. The MDG report also explained the reason stating that after the fall of Taliban government when new school buildings were established many children enrolled themselves. Those children are now between the age of 15-24 during 2011-2012. Beside that many schools were reopened and many vocational training schools also built during that period which helped to increase the literacy rate. The overall literacy rate helped to gain the other achievements. The number of public schools grown especially in urban areas like in Kabul, Kandahar, Balkh, Herat. The Afghan families are more concerned about their children's education. The government

is also very supportive contributing a huge portion of the budget to the education programme. In 2009 12% of the total budget was used in the education system. Similarly, the international community emphasized on the education sector reform and allotted a huge portion of aid on this sector.

During the Taliban government, the boys were only taught religious education and girls had no opportunity to education. After the Taliban rule was over, various universities were reopened with the aim of providing world class teaching. Though most of the universities were centred in the urban areas. According to Raaia's Ray of Hope foundation report (2013) on Education in Afghanistan, more than 10 million students including a significant number of girls have access to education a 16000 functioning school in the country. But it is true that there is still some area where providing education is very tough due to lack of security, short on funding, under qualified teachers, overcrowded classrooms, poor infrastructure, etc. There is still a lack of women teachers in the country which is hindering girl education in some of the provinces as the parents don't want their girls to be taught by men teachers. The international community often built the infrastructure for education and handed over the other responsibilities to the unskilled local administration.

Male/Female Enrolment in General Education (2002-2012)

Figure III



Source: ICEF Monitor, 2015

Figure III illustrates male and women's participation in general education in Afghanistan from 2002 to 2012. The figure shows that both males and women's participation has been increased since 2002. But compared to male participation women's participation is low. In 2002 male enrolment was 1,700,000 when female enrolment was less than half. This disparity continues till 2012. In 2012 there is the highest number of students' enrolment. In that year, male enrolment was 5,369,000 and female enrolment was 3,284,000.

Health

The Health sector in Afghanistan has an impressive improvement over the years. Child and Infant mortality rate reduced a significant level in the country. According to the MDG Report (2013) the infant and under-five mortality rate reduced by 60 % since 2003 though the government is aware of the fact that still, some improvements have to be done in future. The government has a target of reducing the child mortality rate by 50% by 2013 and 75% by 2020. Besides achieving this goal, Afghanistan designed the National Development Strategy in 2008 with collaboration with the Ministry of Public Health (MOPH) to include other strategies like the National Child, Adolescent Health Strategy 2009-2013, National Health and Nutrition Sector Strategy 2008-2013,

the Basic Package of Health Services 2009-2016, etc. These are all community-level strategies. Afghanistan is increasing the budget allocation in the health sector. In 2012 the child mortality rate was 102 per 1000 lives and the target for 2015 in 93 (MDG report, 2013).

Afghanistan is one of the worst countries providing maternal health care. The situation is even worse in the rural areas. The lack of minimal health care system causes hundreds of pregnancy-related deaths in the rural Afghanistan. The reason behind this poor condition is girl's marriage in an early age, the absence of family planning, and lack of proper health care system. To improve the health care system, new programs have been introduced such as proper training for doctors and nurses, developing health infrastructure, stranded guidelines for medical staffs, etc. Strengthening maternal and mental health care were one of the major steps taken by The Ministry of Public Health (MOPH). Measles is one of the most dangerous diseases that causes the death of Afghan children. In 2012, nearly 8000 measles case were reported, and among them, 30 children died. However, Afghan government showed a quick improvement in preventing measles. Before 2020, the country is targeting to make itself a measles-free country.

Afghanistan completed its MDG goals regarding health indicators though compared to a global level the achievement is very low. However, the number of people having health facilities is growing. According to the WHO report (2014), more than 2000 people are getting health service in 2011 compared to only 496 people in 2002. While Afghanistan remains, one of the three polio endemic countries globally steady progress has been made in polio eradication. In 2013 polio cases decreased to 62%. Despite this achievement, there are still some challenges remained in Afghanistan such as untrained health workers in rural areas, insufficient funds, overdependence on the foreign fund, weak national capacities, etc.

Infant Mortality Rate (Per 1000 Births)

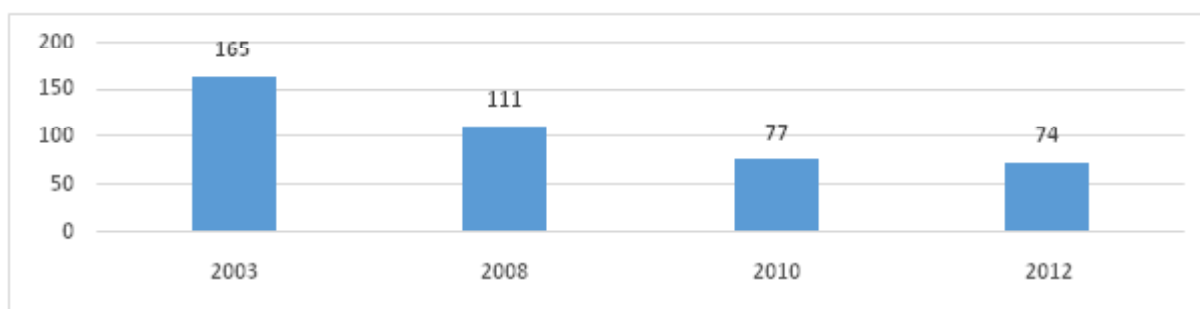


Figure IV

Source: The Millennium Development Goals, 2013, Afghanistan

Figure IV shows infant mortality rate per 1000 births in Afghanistan. The rate gradually declined from 2003. In 2003 the rate was 165 whereas in 2012 it was 74 per 1000 births.

Women Empowerment

Since 2001, the Islamic Republic of Afghanistan has introduced thousands of laws, treaties, and policies regarding gender equality showing their commitments toward women empowerment. During the Taliban regime in Afghanistan, there was no equality between the sexes, there was no education for girls, microscopic participation in the labour market, education and health related professions, no political involvement in decision-making bodies and there even severe restriction was imposed on them to lead a free social life. After 2001 the new government had a long way to go to reach gender equality. According to the Equality for Peace and Democracy Report (2015) 28% of the Wolesi Jirga (House of the people in the National Assembly), 35% of Community

Development Council (CDC) members and 21% of Provincial Council members are women in present situation. According to Kasa (2014), the female members of the parliament try to build policy focusing on their gender-related priorities such as reducing violence against women, gender empowerment, etc. In the 2014 presidential election, 36% was women voters. There is a significant rise in women participation in the Security sector in the country. Compared to only 180 candidates in 2005 the number of women in Afghan National Police in 2015 is 2185. The development of women's rights in Afghanistan is directly proportional to the stability of the security forces. If the security sector is unable in maintaining peace in the post-2014 period, the situation of the women is likely to deteriorate. Some people emphasize to increase the number of women security forces in the defence sector. The women's participation in every profession is also necessary to establish a democratic society in the country.

In 2009 the government passed a law named The Elimination of Violence Against Women (EVAW) which is considered to a significant step in reducing violence against women. It forbids the violent acts against women such as rape, child marriage domestic violence forced marriage, child marriage, etc. Afghanistan introduced many units as a safeguard of the law in various ministries such as Women's Protection Centres under the management of the Ministry of Women's Affairs, Family Response Units within the Afghan National Police, Family Protection Centres under the Ministry of Public Health, and the Special Violence Against Women Units of the Attorney General's Office. Afghan women can seek legal support and advice from offices of the Afghanistan Independent Human Rights Commission (AIHRC). The case of registering reports in this offices is growing by years. In the communication scenario, more than 80% women have access to mobile these days. Women are coming forward to start their own businesses. With the help of international community, Afghanistan campaigned to increase public awareness about the welfare of women in security, health, the justice sector, peace building, and a gender approachable budget plan. But still, there is a lack of coordination of this campaigns in the society. According to the reformed Afghan Civil Code now women can obtain property through inheritance, marriage or purchase. However, in spite of many reforms in policies the real picture is different in some areas. The poor capacity building, little international funding and a lack of political leaders restricted to gain gender equality. According to the Afghanistan Research and Evolution Unit (2013), in the recent peace conciliation process with the Taliban, the women's rights are likely to be compromised.

In peace building process, the women's participation is very low. Similarly, there is a lack of participation of women in Afghan police force and justice sector. Most of the women occupation are clustered in urban areas. Even after reforms in Constitutions the political participation, especially in leadership, is very low in the country. Many women still have social insecurity in political participation. Though the maternity mortality rate decreased, there is still a lack of skilled health workers in the country. Between 2010 and 2012 only 39% of births received skilled labours in the country. In literacy rate, women are far behind men. Only 17% of women is literate compared to 45% men. It is true that the girl's enrolment number in education has been increased, but the deteriorating security situation in the southern provinces hindered the process. The socio-cultural norms and religious views in Afghanistan are restricting women to have access to many facilities. There is a huge wage gap between men and women. Even the employment rate is very low compared to men in the country. There is a lack of clean drinking water and electricity in the country especially in the rural areas. Women do not obtain similar economic opportunities as men. Most of the Afghan women do not have access to credit resulting in a lack of job opportunities and poor experience. Most of them are engaged in the microeconomic sector, and household works like carpet weaving, sewing, tailoring, taking care of children and other members, etc. Afghanistan is still to adopt welfare programmes for the most vulnerable women like widows, female-headed families, and disabled women. A study conducted by the Equality for Peace and Democracy Report (2015) in ten Afghan provinces in 2013, only 37% women inherited property compared to 89% of men.

Security

The role of the international security force which started its operation in 2001 has been ended in Afghanistan. The international coalition forces have been reducing its troops since 2010 resulting only 40000 troops as of October 2014 (The Asia Foundation report, 2014). New Afghan President Ashraf Ghani signed the Bilateral Security Agreement with the US and a status of forces agreement with NATO aiming at having help from the later in a crisis. The bilateral agreement is also a sign of long-term commitment between Afghanistan and the international community for its development and peace agenda. Following the new Bilateral Security Agreement signed in 2014, nearly 10000 US troops will continue to provide training and logistical support in security missions in Afghan soil for another two years. The international community is also trying diplomatic tools to reconcile the peace process with the Taliban. Afghan National Security Forces (ANSF) improved its capacity building and took the full security responsibility in 2013. This Afghan forces showed their capabilities during the parliamentary and presidential election in Afghanistan in preserving peace and security. With a little help from NATO forces, the Afghan National Army and National Police designed their own planning and executed the plan in many large and severe situations.

The Afghan National Security Forces consist of the Afghan National Army with 189,000 personnel in the whole country, the Afghan National Police, with 153,000 personnel, and the Afghan Local Police with 27,000 personnel (The Asia Foundation report, 2014). But the role of Afghan National Security Forces is not as effective in rural areas as in urban areas. After the withdrawal of coalition forces, the primary target of an armed opposition group is the security forces. The increase in violent attacks and civilian casualties proves the growing power of insurgent groups. According to the Asia Foundations Report (2014) reports civilian casualties rate increased by 24% in 2014 than the previous year. The Afghan Local Police were established with the aim of maintaining security in community level which has not shown any significant improvement so far. Even in the army and police level, there are many shortcomings and pitfalls in upholding security situation.

More than 2/3 of total aid in Afghanistan was spent in security sector ignoring the other areas. The NATO and coalition military forces handed over the security responsibility of Afghanistan to the Afghan National Security Forces. Now it is to see if the National forces are entirely capable of maintaining their own security. There are few hundreds of international forces left in Afghanistan for training and other programmes. The international community was quite positive that the Afghan forces will likely to handle their own security problems. But the troops withdrawal in 2014 is seen as a victory by the insurgent groups. It is thought that they are gaining their power again. President Ghani in his states visit in 2015 expressed his concern about the security matter and asked for a stronger security partnership with the US. Ghani has plenty of reasons to be afraid of. In the year of 2014, when the international security forces were supposed to leave, Afghanistan witnessed the highest number of deaths due to terrorism attacks. From security checkpoints to civilians, everyone was under Taliban threat. Apparently the lack of Presence of international forces gave the Taliban an opportunity to rain strengths. This kind of terrorist attack is likely to rise in Afghanistan in future. The year 2015 experienced a lot of trouble in Afghan security sector. The Taliban attacked in the various region in the entire country. In April 2015 the Taliban tried to take control of Kunduz area in the northern Afghanistan. Southern Afghanistan remains the most vulnerable region in the country. The insurgent groups conducted several attacks in various districts in Helmand province. In 2014 the Taliban attacked the Helmand region but could not occupy any territory for them.

Strength of Afghan National Army

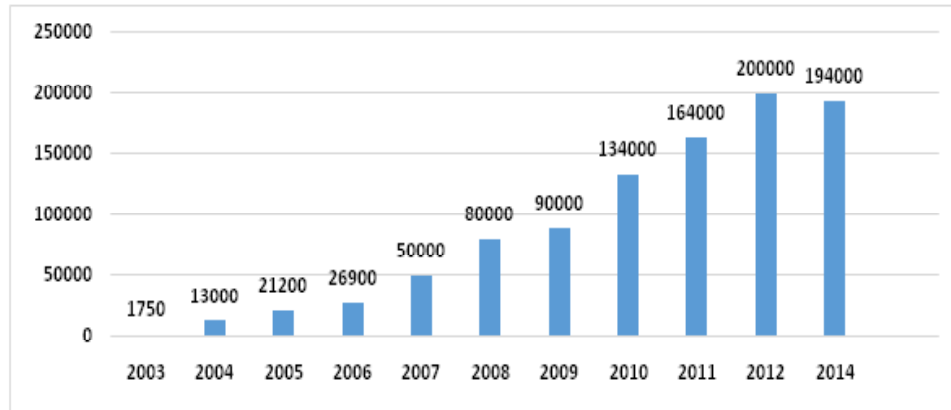


Figure V

Source: Afghan National Army (Wikipedia)

Figure V illustrates the strength of Afghan National Army from 2003 to 2014. International community started to build Afghan National Army since 2002 which is the central defence group in Afghanistan. In 2003 the number of total Army was 1750 which is the lowest number till now. In the next year, the number rises to 13000 due to the growing need in the security sector. In 2005 the number increased another 8000 and reached 21200. In the next year, there were 26900 army soldiers in Afghanistan. In 2007 the number almost doubled to 50000. Next year in 2008, 30000 more troops joined the Afghan National Army. In 2009 the number was 90000. In 2010 the NATO and the coalition forces announced its withdrawal and emphasized more on the army building. In that year, the army strength was 134000. In the next year, it raised to 164000. In 2012 Afghanistan had the highest number of National Army having 200000 soldiers. In 2014 the number of the total army was 194000.

According to Special Inspector General for Afghanistan Reconstruction report (2015) the coalition forces have 130000 troops in Afghan soil before 2015, and after 2015 it reduced to only 13000 just to train the Afghan soldiers. This military personnel has contact with high-rank officials and no direct contact at the regional level. The army strength in Afghanistan never reached to the expected level. They have no idea how many troops are necessary for maintaining peace in Afghanistan (Special Inspector General for Afghanistan Reconstruction report, 2015).

No of Deaths in Afghanistan Due to Terrorism (2007-2014)

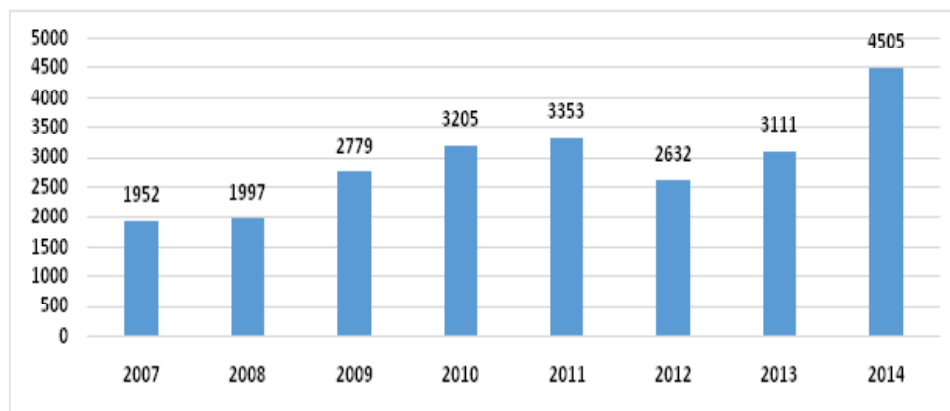


Figure VI

Source: The Statistical Portal, 2014

Figure VI shows the number of death in Afghanistan due to terrorist attacks since 2007. In 2007 there were 1,952 deaths due to terrorism in the country. Next year there was a slight increase in the number to 1997. In 2009, there was 2779 incident of deaths in Afghanistan for terrorist activities. The terrorist activities continue in 2010 resulting 3205 deaths. In 2011 total number of deaths in Afghanistan was 3353. Next year for the first time since 2002 deaths rate declined in there killing 2632 people. In 2013 again the rate increased to 3111 people. In 2014 which is a significant in Afghan history for its future witnessed the highest number of deaths by terrorism killing 4505 lives.

Opium Production

Afghanistan is the highest opium producing country in the world. It produces over 90% of the whole opium production in the world. Many government officials and warlords are associated with this production. The Afghan government is facing tremendous difficulties to tackle this corrupt officials and warlords. They bribed the government officials to get rid of any kind of trouble. The cultivation financially supports the Taliban and the extremist groups in Afghanistan and other Central Asian Countries. Because of this rampant corruption inside the government loses the people support and failed to create a legitimate government (Sohail, 2010). A report released by the U.N. Office of Drugs and Crime in 2012 the opium production is growing in the northern and eastern region which were known as poppy-free. Many people from politicians to military personals are connected to the drug trade.

According to the same report between 2005 and 2008, the Taliban accrued \$350 million to \$650 million from the drug trafficking (Jonnes, 2012). The main opium growing region in Afghanistan are Hilmand, Kandahar, Uruzgan, Day Kundi, Zabul, Farah and Badghis. Over emphasis on poppy cultivation by the farmers reduced the other food and fruit cultivation in the country. Farmers can earn more money in opium cultivation that encourages them to do that rather than cultivating other crops. Poppy cultivation reduced the cotton cultivation which affects the economy in there. The opium addicts people in Afghanistan is increasing very fast.

Figure VII displays the area of opium cultivation in Afghanistan from 2001 to 2014. Poppy cultivation is directly linked with terrorism as this is the primary financial support of terrorist groups in there. In 2001, when the international community entered Afghanistan to dismantle

Opium Cultivation in Afghanistan by Hectares (2001-2015)

(in thousands)

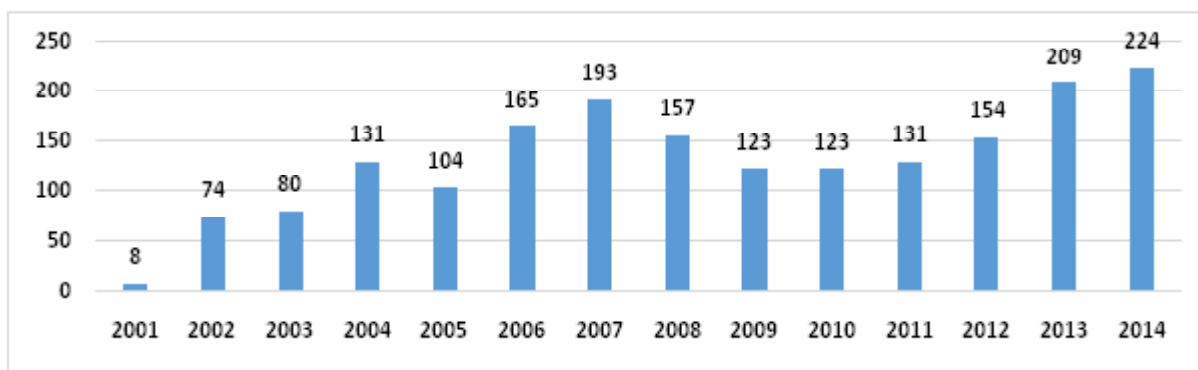


Figure VII

Source: UNODC Report, 2015

Terrorism, the opium cultivation was lowest compared to upcoming years. Only 8000 hectares Afghan land was under opium cultivation. Next year in 2002, the cultivation grew up heavily resulting more 9th times more than the previous year. In 2003 opium cultivated land was 80000 hectares. In 2004 it rose to 131000 hectares. Next year there was a decrease in opium cultivation. Only 104000 hectares was cultivated. In 2006 it rose up to 165000 hectares. Next year the opium cultivation increased to 193000 hectares. In the next two years, there was a decline in cultivation. In 2008 and 2009 total opium cultivated land were 157000 and 123000 hectares respectively. In 2010 total area of cultivated land was as equal as 2009. From 2011 the cultivation started to increase again till 2014. In 2011 the opium cultivated land was 131000 hectares. Next year the cultivation rises to 154000 hectares. In 2013 and 2014 the cultivated lands were 209000 and 224000 hectares respectively

Conclusion

Since the international intervention in Afghanistan, the country received a significant amount of aid from the United States to build its security, economy, and society. Unfortunately, the United States provided more aid in security related expenditure and ignored the other important sectors. This unequal distribution of the assistance brought an unbalanced development scenario. The lack of coordination of nation building, development projects, and counterinsurgency programme hindered the overall peace process in the country. Nevertheless, the militarization of aid, off-budget contribution, political pressure, negligence towards Afghan priorities are not the only things to be blamed for. On the Afghan side, weak institutions, decentralized government and rampant corruption among the officials also restricted the peacebuilding. The massive flow of aid in the last decade in Afghanistan made it as an aid dependent country. But in the absence of international troops, funds are likely to be reduced in the future. This scenario could energize the insurgents and illegal economy. That would indeed dismantle the peacebuilding in Afghanistan in particular and South Asia as a whole.

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United States Pivot to Asia Policy: Regional Issues

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ABSTRACT

United States pivot to Asia policy announced during President Obama administration in 2011 is the result of shift of economic power centres from Atlantic to Asia Pacific region, but what shape the policy will take in President Donald J. Trump administration is an issue of further analysis, who holds entirely different views on foreign policy than Obama. The paper is an attempt to highlight conflicting regional issues and response of the regional powers and United States to these issues. The regional issues varies from territorial to maritime boundary disputes, building military alliances and partnerships in the region, energy security to floating trade agreements in the region. Finally the most important issues amidst these conflicting regional issues how to soft balance China for the peaceful rise of Asia-Pacific region.

Keywords: *Pivot, Asia Pacific, Regional Issues, China, United States, Soft Balance, Foreign Policy.*

United States pivot to Asia policy is the result of shift of economic power centres from Atlantic to Asia Pacific region. The trajectory of growth shows that the 21st century belongs to the Asian region. The projections of Economic Intelligence Unit (EIU, 2014) shows that by 2050 53% of GDP of the world originates from Asian region and United States, China and India will emerge as three richer economies of the world. The report further added that China economy will overtake United States economy in the forthcoming years. Even at present United States trade deficit with China is not only large but it is also growing (Michael F Martin, 2015). The Studies show that in recent years, China economy is slowing down whereas Indian economy is picking up (The Economic Times, 2015). The quarter ending Sept 2016, growth of Indian economy is 7.3% which is quite impressive. Still there is vast difference in size of the three economies. United States economy is US\$ 16 trillion, China economy US \$ 10 trillion and Indian economy US \$ 2 trillion and how much time one economy will take to catch-up with the other economy depends on the growth rate differential between the three economies. According to UNCTAD (2014) report Asian economies continue to be an attractive investment destination for the investors. The survey conducted by the report on investors shows that Developing Asia attracts the highest interest from investors; especially South-East Asia preferred a possible destination of FDI by almost 80 per cent of respondents in forthcoming years, next in the row is East Asia showing by about 55 per cent of the respondent as preferred destination. Though EU countries have been considered by almost 90 per cent of investors as most preferred destination and North America comes fourth in the row after the EU and two Asian regions. The further added highlights on individual country ranking showing China leading the list, with 44 per cent of the investors showing their interest, next in the line are United States, cited by 41 per cent of the respondents. According to 2011 ranking China was the world's third largest investor, after the United States and Japan (World Investment Report, 2013, p6).

The United States pivot to Asia policy which later called 'rebalance' policy at the chagrin of China which along with economic, diplomatic and political engagement also involve military

component which definitely have an impact on the military, political, strategic, security, economic, socio-cultural and ideological factors in years ahead. Therefore from United States perspective, it is a long term strategy based on long term planning. Therefore challenge before the Asian countries is how to embarrass Washington's rebalance strategy without annoying China. This broader shift in US policy towards the Asia Pacific region from West Asia is the outcome of China emerging as a major challenger to United States in terms of economic and military power. To continue with its pace of economic growth, there is need of peaceful rise of Asia-Pacific region. Therefore two emerging Asian economies (China and India) along with the richer economy of United States have an important role to play in containing conflict situation and assisting in the peaceful rise of Asia Pacific region. United States pivot to Asia policy announced during President Obama administration in 2011 is the result of shift of economic power centres from Atlantic to Asia Pacific region but what shape the policy will take in President Donald J. Trump administration is an issue of further analysis, who holds entirely different views on foreign policy than Obama. There are already existing conflicting regional issues that United States and countries in the region have to co-opt. The paper is an attempt to highlight conflicting regional issues and response of the regional powers and United States to these issues.

Senkaku/Diaoyou/Diaoyutai Island Dispute

Countries in the region have island and territorial disputes with China. Senkaku/Diaoyou/Diaoyutai island dispute involve Japan, China and Taiwan. It is a group of eight uninhabited lands and rocks in the East China Sea called Senkaku in Japan, Diaoyou in China and Diaoyutai in Taiwan covering an area of 7 sq km in East China Sea. These Islands are situated on the Eastern part of Chinese mainland and South-West part of Japanese Southernmost area and North- East of Taiwan.

The three regional countries China, Japan and Taiwan have their own logistic to prove their claim over the Island. In 19th century, Japan claim that it discovered the Island after ten years of survey and on 14 Jan 1895, formally included the Island into Japanese territory. Since 1895, these Islands are controlled by Japan but after Second World War Japan lost control over numerous territories including these Islands. Japan also lost its claim over Taiwan after the signing of San Francisco treaty in 1951. Japan argued that China raised no objection to San Francisco deal. Senkaku/Diaoyou/Diaoyutai Islands came under US trusteeship during the period of 1945 to 1972, as a part of Ryukyu Island but again returned to Japan after the signing of Okinawa Reversion treaty in 1971. The competing claim over the Island intensified since 1970's because along with rich fishing ground, the water surrounding the islands are rich in oil and natural gas deposits as per geologists. It is also an important trade route, thereby implying that any regional conflict will have its bearing on the countries of the region and the world at large.

China claims that it has control over the island during ancient times and administering it from the province of Taiwan and serve as an important fishing ground. After Sino-Japanese war in 1895, Taiwan was handed over to Japan after the Shimonoseki Treaty. Therefore as per Chinese claim Islands are seized territories. Japan lost its claim over the island with return of Taiwan in the Treaty of San Francisco in 1951. As per Chinese claim Taiwan leader Chiang Kai-shek was silent on the issue because at that time he was depended on US support (BBC News, 2014). As per China it has ancient claim over the island but seized by Japan and Japan lost its control over the Island during post World War II settlement with the returning of seized territories (Michael O'Hanlon, 2014).

Taiwan has also became part of the conflict because as per Chinese claim island belong to Taiwan over which it enjoys sovereignty claim.

United States also factored in this regional conflict with the signing of treaty of mutual co-operation and security between United States and Japan. It's a security alliance signed after World War II and officially implemented in 1960. Japan promised to give military bases on its

land for US military troops and in return United States will defend Japan in case of being attacked meaning thereby that in case of escalation of conflict, United States will come to Japan's rescue (BBC News, 2014).

Japan intensifies its claim over the island by building a port, a telecommunication base and a meteorological station but the regional conflicting issue came in the lime light when Japanese right wing Governor Shintaro Ishihara declared using public money to buy the Island from private Japanese owner in April 2012. In order to avoid the provocation and escalation of conflict, Japanese government intervened and purchased three of these islands from private Japanese owner. Even this stand cause provocation in China and in retaliation in 2013 immediately after this incident China declared Air Defence Identification Zone (ADIZ) meaning thereby that any aircraft flying over the Island have to comply by Chinese rule (MEA, Annual Report, 2013-14) and also intensified its patrolling around the Islands in East China Sea by Fisheries Law Enforcement Command (FLEC) (Mark E. Manyin, 2013) but no further retaliation comes from Japanese and United States side.

The Senkaku/Diaoyou/Diaoyutai island dispute is really a point of concern amidst Chinese military modernization and United States announcing of pivot to Asia policy.

South China Sea Conundrum

South China Sea regional dispute involve not only competing claim over the Paracels, Spratly Island and Scarborough Shoal but also building of Artificial Islands by China over Subi Reef and Fiery Cross Reef in the Spratlys. The construction activities include the development of airstrips, helipads, radar and piers and surveillance structures. Since December 2013, China is showing its claim over more than 2,900 acres. As per US Defence Department report, this constitute more than the combined share of other claimant in the past forty years. This is a point of concern for the regional countries and United States because it is a reflection of China power projection capability in the region (Council on Foreign Relations, 2016). Paracels and Spratlys are two full-fledged inhabited islands but the South China Sea also includes numerous rocky outcrops, atolls, sandbanks and reefs such as the Scarborough Shoal. Like the Senkaku/Diaoyou/Diaoyutai island dispute area is estimated to be rich in mineral resource, a good shipping ground and an important trade route, making this area of economic interest for regional countries and United States, world economic and military power. In 1947, China issued a map, showing its claim in South China Sea by nine dash lines.

Vietnam shows its competing claim over the Paracels and Spratly Island and argued that China has not showed its sovereignty over the island before 1940s and Vietnam claims its sovereignty over the island since 17th century. Another regional country which involve in the conflict is Philippines showing its claim over the Spratly Island as well as Scarborough Shoal called Huangyan Island in China. Scarborough Shoal lies more than 100 miles from Philippines and 500 miles away from China. Malaysia and Brunei shows their claim over the territorial waters of South China Sea. Malaysia also shows its claim over small number of Island in spratlys but Brunei does not claim any of the disputed islands (BBC News, 2016). China encouraged its patriotic citizens to visit the disputed paracel Island called Xisha in Chinese (ABC News, 2014).

The countries in the region not only witnessed competing claim over the same islands but conflicting issues and also bring them at confrontational position. In 1974, Chinese captured the parcel Island from Vietnam, killing 70 Vietnamese troops. In 1988, Vietnam and Chinese clashed in Sparty bringing casualties on Vietnamese side with the death of 60 sailors. The animosity between China and Vietnam is so high that even a rumour brings anti-China protest on Vietnamese street. In May 2014, introduction by China of drilling a rig into waters in parcel Island bring two countries (Vietnam and China) Ships in confrontation with each other. Manila also witnessed its Claim over the waters of South China Sea and threaten China to put forward the case to UN

tribunal under UN Convention on the Laws of the Sea (BBC News, 2016). In nutshell, China virtually controls South China Sea, putting the regional countries in uncomfortable position.

Maritime Boundary Dispute

Countries in the region not only have island and territorial disputes but also maritime boundary dispute with China involving overlapping claim among six countries. With the economic and military rise of this region, it has become an area of interest for global powers because trillion dollar worth of global trade flows through this region and as per geologists, area is rich in hydrocarbons and natural gas. The East and South China Sea become an important trade route for thousands of vessels, from coastal patrols to naval ships and fishing boats (Michael O'Hanlon, 2014). Consequently, United States announced its pivot to Asia policy which also includes military deployment. China is also increasing its maritime presence in the region at the dislike of regional claimant like Japan, Vietnam and Philippines. Up till now, China is applying its economic might when it comes to the conflicting issues of South and East China Sea. When Philippines intensified its claim over Scarborough Shoal, China retaliated by denying Filipino fisherman access to waters of the sea for fishing, restricting Chinese tourist to visit Philippines and further not allowing the Philippines agricultural exports to enter China. Similar economic actions are taken against Japan by banning the export of rare earth minerals to Japan-causing commodities crises across Japanese industries. As maritime tension arose in mid-2014 and Vietnam threatened to file UN arbitration claim, China responded by freezing credit for on-going Vietnamese energy and infrastructure projects and affected Vietnamese tourism market by choking tourism. As a result, Vietnam opted not to file arbitration claim. China hopes that its action will deter other claimant like Vietnam, Malaysia, and Indonesia (Jennifer Harris, 2016).

If the conflict in the region is not managed judiciously could turn the thriving trade channel into area of conflict. If confrontation were to involve Japan in the East China Sea or the Philippines in the South China Sea, the United States will pivot in the region because of signing of defence treaties. United States has military commitment with Japan and Philippines, therefore, has to defend Japan in case of being attacked. United States have stronger military pact with Japan whereas U.S. - Philippine treaty guarantee mutual support in case of armed attack in the pacific area, if either of the parties are being attacked. United states is alarmed by China land reclamation efforts and in 2015 on Chinese-built artificial islands deployed surveillance aircraft and further to emphasize freedom of navigation sent warships to sail around the disputed Paracel and Spratly island within the area of 12 nautical miles. These activities by Unites States are an attempt to challenge China's maritime claims and show its solidarity with U.S. regional allies (Council on Foreign Relations, 2016). China should restrict its territorial ambition in the South China Sea and respect the ruling of international tribunal otherwise this trade route will become most volatile spot in the world because as United States is already involved in the region through its treaty obligations.

Besides United States other powers are also involved in the region. In South China Sea French Navy has been operating for years. In November 2015, off Vietnam's coast Australian warships and Vietnamese navy personnel have carried out joint drills and in February 2016, off the northern coast of Borneo with the Malaysian Navy. On June 5, at the Shangri-la Dialogue in Singapore, French Defense Minister Jean-Yves Le Drian announced joint EU patrols of the maritime area of Asia and regular and visible presence in Asia. French military presence in the region up till now is limited. The diplomatic involvement of international powers definitely put pressure on China for respecting the rule of law. During 2016 EU China Summit in Beijing, EU President Donald Tusk insisted the importance of rule based internal order. France is Asia Pacific as well as Indo pacific nation with vital interest in the region. Although European Union is as such not visible in the Asia pacific region but France through various treaties and agreements maintain a network of strategic partnership with Asian countries such as Japan, China, India, Indonesia, Australia,

Singapore and Vietnam. France is also developing strategic relationship with Malaysia and New Zealand. France took part in regional strategic forum such as Shangri la Dialogue in Singapore, ASEAN Regional Forum and Pacific Coast Guard Forum. France is the first EU nation to sign up the Treaty of Amity and Cooperation in South East Asia, the TAC (Yo-Jung Chen, 2016).

In spite of all these permutation and combination existing in Asia pacific region, China declined to accept the tribunal's ruling on South China Sea case which is in favour of Philippines (Owen Boycott et al, 2016).

Issues of Military Alliances and Partnerships in Asia-Pacific Region

Military engagement is an important component of United States pivot to Asia policy. It is planned that 60% of naval and overseas air assets will be deployed in the Asia-Pacific region by 2020 (Ash Carter and USS Carl Vinson, 2016). Already United States forces are deployed in the region and it is estimated that 350 thousand US troops, 200 ships and 50 hundred aircrafts are stationed in the region. Along with United States 8,000 French military personnel are present in the Indo-Pacific area and 2,800 in the Pacific region alone. In pacific region, France operates four patrol vessels, two surveillance frigates, two multi-mission ships, four tactical transport aircraft, five maritime surveillance aircraft, and seven helicopters (Yo-Jung Chen, 2016). Mr Le Drian in his speech at Shangri-La Dialogue invited the coordination among European navies to show their regular presence in maritime areas of Asia (Director General for International Relations and Strategy, 2016).

Marine Corps Gen, Joe Dunford stated that US military will follow the "four plus one" scenario which includes Russia, China, North Korea, Iran and violent Extremism. He further emphasized that United States need better ways to deal with China behaviour in the South and East China Sea (US Dept of Defence, News October 1, 2016). This shows that China is at the top of concern for United States

Military component of United States pivot to Asia is implemented in four phases. First phase involve building military alliances and partnerships in Asia-Pacific region. United States Defence Secretary Ash Carter and two Australian ministers exchanged their views on security issues at pentagon on October 2016 that includes defence industry collaboration and inclusive security network and cost sharing initiative are decided for force stationing at Northern Australia (US Dept of Defence, News October 5, 2016). US-Japan alliance will act as a cornerstone of Asia-pacific security architecture and republic of Korea will act as deterrence against North Korea. Therefore United States deployed THAAD ballistic missile as a defence system against North Korea. United States and Philippines alliance is older and therefore United States is supporting the modernization of the Philippine Armed Forces but Philippines prime minister recent visit to China alarmed concern. U.S.-Singapore relationship nurturing with Singapore's hosting of American littoral combat ships and P-8 maritime patrol aircraft. The United States lifted the ban on sale of lethal weapons to Vietnam recently to provide Vietnam greater access to the military equipment it require thereby strengthening their partnership. The American and New Zealand militaries are cooperating with each other as U.S. Navy destroyer will make the first American port call in New Zealand in 30 years and building partnership with ASEAN is also in the agenda because it will help in building inclusive security network. This region is also of interest to India as well; as India declared its Look East policy and consequently U.S. and India signed Defense Technology and Trade Initiative (DTTI).

According to the US Secretary of state of defence in the second phase these allies and partners are networked together.

The third phase focus on improving the quality of inclusive security network in the Asia-Pacific's region through sustained and targeted investments to ensure the best performance of these regional forces. An initial investment of \$425 million is planned for five years. Even at present most

advanced capabilities are deployed in the region like P-8 Poseidon maritime patrol aircraft, F-22 and F-35 stealth fighter jets, newest surface warfare vessels like newest stealth destroyers, the DDG-1000 and continuous deployments of strategic bombers.

The last phase of this inclusive security network in the Asia-Pacific's region created by United States along with the security partner of choice will become the most powerful military in the region.

Besides United States effort of creating a security network in the region, the countries in the region are also forging their bilateral and trilateral alliances. The trilateral maritime alliance was agreed among Indonesia, Malaysia, and the Philippines to combat organized crime, piracy and terrorist activity in the Sulu Sea. The ASEAN countries are also evolving ASEAN Defence Ministers Meeting – Plus arrangement. It include countries with cyber expertise like Japan, Korea, India, Singapore thereby create a strong security network (Ash Carter and USS Carl Vinson, 2016). How the military deployment in the region will take its shape during President Donald J. Trump presidency and what policy decision he will take to balance the economic and military might of China is the issue of further analysis with change in policy decisions.

Co-operation and Collaboration on Energy Issues

As the region is emerging as an economic power, energy needs of the countries will continue to rise and simultaneously modern forms of energy demand of the people living in this region will rise as living conditions improve. In developing Asia 615 million people have no access to electricity and about 1.8 billion for their day today needs rely on firewood, dung, charcoal, and crop waste but with improvement in living conditions, more people will resort to heating and cooling systems, use of machines and equipment's in their daily needs, twenty four hours lighting and better quality transport facility all require energy. At present there is vast difference in energy consumption in developing Asia and developed world. An 'average American' in a year consumes 13,246 kilowatt-hours of energy while in India in state of Bihar a person consumes just 122 kilowatt-hours in a year.

Among developing Asia level of energy consumption varies. For instance in Malaysia and Thailand levels of electrification and energy intensity of GDP is quite high, Vietnam shows a high level of electrification but its energy use is moderate. The five South Asian countries (Bangladesh, India, Nepal, Pakistan and Sri Lanka), are also highly populated but 75% of the population have access to electricity in 2012. As compared to these countries, in Indonesia and the Philippines, one third of the population have no access to electricity. India has the largest among these five South Asian countries and the world's fifth largest generation capacity but it rely on coal. Nepal and Sri Lanka depends on hydropower but have undeveloped electricity market. In Pakistan and Bangladesh power is largely generated by Natural gas. The majority of Southeast Asia's population were using traditional biomass for cooking though the trend is changing from last decade and they are switching to liquefied petroleum gas (LPG) (Asian Development Bank, 2016,pp1-6).

No doubt global energy consumption has increased by 1% in 2015, which is much below the 10 year average of 1.9% but most of increase is coming from emerging economies constituting 97% of the increase in global consumption thereby making the emerging economies to account for 58.1% of global energy consumption. Chinese consumption has also witnessed a decline but it is still the largest, following the trend of last fifteenth consecutive year. Though the Chinese consumption slowed by a margin of 1.5%, India recorded a rise of 5.2% in consumption. In the Asia Pacific energy mix coal is the dominant source accounting for 72.9% of global consumption followed by hydroelectricity and oil (BP Statistical Review of World Energy, 2016). In total energy demand, net imports of three fossil fuels (oil, coal, and natural gas) in Asia- Pacific to nearly double from 830.5 million ton of oil equivalent (Mtoe) in 2010 to 1,515.5 Mtoe in 2035. Through Regional Trade Agreement energy security can be provided by offering tariff concessions on

energy products and including more and more energy supplying countries as a regional partners thereby diversifying energy trade arrangement.

United States is pivot in the Asian region by fulfilling burgeoning energy requirement. Currently, LNG prices for Asian importers are nearly four times U.S. spot prices. High gas prices in Asia limit the potential for gas to enlarge its market share in the total energy mix, which explains the dominance of coal in total energy mix of Asia (Joong-Wan Cho, RajanSudeshRatna and Vivian Leung Shi Min, 2015)Japan and South Korea, US allies, will soon be the first recipients in Asia to receive U.S. LNG. Japan and South Korea will get U.S. LNG earlier than other countries in the region, as they have already made several deals with terminals on the Gulf Coast, said Kei Shimogori, a researcher at Japan's Institute of Energy Economics. The Korea Gas Corporation has signed a 20-year deal to import gas, which is going to begin in 2017, and Japanese companies have signed long term contract up till 2020 secured about 1,000 billion cubic feet of LNG thereby beginning an energy pivot to the region though already private sector has made their inroads into the region. Japan's Chubu Electric and the Korea Gas Corporation agreed to mutually import U.S. LNG (Qinnan Zhou, 2015).

Issue of Simultaneously Floating of TPP and CEPEA

United States is pivot in the Asia-Pacific region by floating Trans Pacific partnership (TPP) thereby strengthening its commercial arm in the region. The initiative started in 2006, initially between four countries- Singapore, Brunei, Chile and New Zealand but it involves 12 countries for deeper integration- US, Japan, Malaysia, Vietnam, Singapore, Brunei, Australia, New Zealand, Canada, Mexico, Chile and Peru. These 12 countries together constitute 40% of the world trade (BBC News, 2016). Malaysia is a partner in the region supporting US pivot to Asia policy thereby act as a key player in the passage of TPP (Frances Martel, 2016). Canadian Prime Minister Justin Trudeau also expressed its support for ratifying TPP (Josh Wingrove, 2016). In US election campaign both Ms Clinton and Mr Trump are opposed to the deal, though Ms Clinton has the history of supporting free trade agenda. If she would have been appointed, there is every possibility that she may have renegotiated the deal (NatchapolPraditpetchara andKantaphonAmornrat, 2016)but President Trump has out rightly rejected its support for the TPP at the chagrin of other TPP partners like Germany and Australia. On one hand Trump has rejected its support for TPP and on the other hand announced increase in military spending which reflect that United States under Trump administration give the message of relying on hard power instead of soft power instruments. Consequent with America announcement of increase in military spending, China also announced rise in military spending.

Simultaneously ASEAN (Association of Southeast Asian Nations) member countries are floating CEPEA (Comprehensive Economic Partnership in East Asia). It includes ASEAN (Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam)+6 (China, Japan, South Korea, India, Australia and New Zealand) member countries for deeper integration. These countries also constitute 40% of World trade flows. Countries in the region have started liberalising their trade rules. The total number of certificate of origin issued by Indonesia in 2007 was 26,085, which has increased to 205,775 in 2010 leading to increase in value of goods exported from 2% of total value of non- oil and gas export in 2007 to 16% in 2010 (Lili Yan Ing, 2013). China and India one of the fastest growing economies of the Asian region is not the member of TPP. TPP is designed to counter the economic strengthen of China but if United States practically withdraw its support for TPP then United States will lose its economic influence in the region and Chinese influence in the region will increase.

Soft Balancing China

An important component of United States pivot to Asia policy is military redeployment meaning thereby United States active involvement in the region. In case above discussed regional disputes

are not managed properly, could turn the flourishing trade region into an area of conflict. Therefore last but not the least the most important issues is how to soft balance China amidst conflicting regional issues for the peaceful rise of Asia-Pacific region because along with the increase in economic strength of China, its military might is also increasing. China boosted its defence spending by 10.7% in 2013. The military expenditure rose to 740.6 billion Yuan in 2013 from 669.1 billion Yuan in 2012 (Bloomberg News, 2013). According to the International Institute for Strategic Studies in 2016, United States spends US \$ 597.5 billion, China US \$ 145.8 billion and India US \$ 48.0 billion on its military arsenals. As per the study of Stockholm International Peace Research Institute 2016 there is slight variation in estimates United States spend US \$596.0 billion which is 3.9% of its GDP, China US \$ 215 billion, constituting 1.9% its GDP and India US \$ 51.3 billion, representing 2.3% of its GDP on its military outlays. United States still spend four to five times more than China on defence spending. This difference is attributed to large size of American economy because defence outlays are allocated as a percentage of GDP. On the one hand China is increasing its military expenditures on the other United States has announced its policy of 'sequestration' under Obama administration but Trump has increased its military spending thereby impinging on China to announce increase in military expenditure. There are also allegations on China that it is under reporting its military expenditure. As per the US Department of defence, actual expenditure on defence in China is two to three times more than the official budget. In spite of all these allegations, important thing to observe is that military spending of China is second largest in the World, next to America, moreover it is also increasing.

Amid these conflicting regional issues, It is really difficult to predict China future course of action whether China will rise as a hard power or soft power. But in the interest of the region as a whole there is need to soft balance China. US secretary of state Rex Tillerson recent visit to China on 19 March 2017 shows Trump administration wanted to keep conflicting regional issues at present behind closed doors but in the interest of the region at large, a trilateral dialogue including US, China and India but simultaneously also involving other regional countries will help in containing a lot of conflict issues already existing among the regional countries. India is already taking interest in the region through its 'Look East' policy. It has become sectorial dialogue partner of the ASEAN in 1992 and full dialogue partner in 1996 along with other members which includes Australia, China, Canada, European Union, Japan, New Zealand, Russia, Republic of Korea (ROK), and the USA. India is also bilaterally engaging itself with individual ASEAN countries and also signed FTA with 10-member ASEAN countries.

Defence Ministers Meeting (ADMM) Plus Forum of 10 ASEAN and eight non-ASEAN countries also included India in order to develop inclusive security architecture for the region.

ASEAN-led forum like the ADMM Plus and ASEAN Regional Forum also include India. United States is also interested in engaging India in the Asia-Pacific region reflected from the visit of President Obama to India in November 2010 (Rup Narayan Das, 2014). In spite of all the regional conflicting issues ASEAN economies are also getting integrated with Chinese economy in terms of trade and investments. China has not only signed FTA with ASEAN countries but also trade between China and ASEAN countries has increased to \$380 bn.

China will be an important determining factor in the evolving economic and security architecture of Asia. Therefore engaging China is very imperative (Kesavan, K. V., 2012). Indian Prime Minister Narendra Modi visit to China reflect that India is interested in engaging with China as its policy goal but on the principles of mutual trust and respect and equally sensitive for each other's concerns. Since 1954, for the first time mutual exchange of visit by Prime Minister Manmohan Singh and Chinese Premier Mr. Li Keqiang in the same calendar year 2013 shows that India believe in peaceful rise of China.

Dr. Manmohan Singh and Chinese President Mr. Xi Jinping met twice in 2013 in Durban and South Africa in BRICS Summit meeting and also in G-20 Summit in Saint Petersburg on 5th September 2013. India and China also declared 2014, the year of friendly exchanges and to celebrate the

60th anniversary of five principle of peaceful coexistence (Panchsheel). Also agreed to cooperate on global issues, for example, climate change, energy security, food security and also discussed important regional issues in BRICS and G-20 meetings (MEA, Annual Report, 2012-2013). In 2009, In spite of all the conflicting regional issues, President Obama in his visit to China emphasized on the development of positive relationship between the two countries in the 21st century (Xinhuanet News, 2009). President Obama also avoided provocative statement on China in his speech in Australian parliament. Hillary Clinton (2011) in her foreign policy paper also stated that, 'The fact is that a thriving America is good for China and a thriving China is good for America. We both have much more to gain from cooperation than from conflict.' In nutshell, at international arena two big countries, China and the United States bear special responsibilities for world peace, stability and prosperity. Therefore US, China, along with India have an important role to play in dismissing conflict situation and maintaining regional stability.

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Book Review**(RE) Discovering the Geneology of International Relations**

A Review of Robert Vitalis
White World Order, Black Power Politics
The Birth of American International Relations
Ithaca, NY, Cornell University Press, 2015, 272pp.

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In the world of social sciences, the discipline of International Relations is a young discipline- a very young discipline indeed. In its nearly a century existence, the discipline of international relations has witnessed and undergone a number of changes within its ranks. The short history of international relations is marked with a number of great debates. However, certain pertinent questions are often overlooked in the process. These are questions pertaining to the origin of the discipline and more importantly about who controls the discourse within the subject? While these great of debates within international relations seem to give it an intellectually diverse look, students and scholars often overlook the politics which determines the scope and epistemology of this discipline. Further, they are often unable to get out of this state centric narrative of international relations-far from challenging the politics which determine the same.

At this scenario arrives Robert Vitalis- Professor of Comparative Politics and International Relations, University of Pennsylvania, with is book "White World Order, Black Power Politics- Birth Of American International Relations" to give a rude wake up call to the community of international relations scholars. Yes, 'wake up call' seems to be an appropriate term to use as Prof.Vitalis, in his book "White World Order, Black Power Politics- the Birth of American International Relations" hits out at the world of International Relations scholarship with some rather radical and uncomfortable revelations about its origins and dynamics. White World Order, Black Power Politics is a book of startling revelations and hard hitting analysis of the discipline of international relations-severely exposing the politics of race, empire and other vested interests in the scope and epistemology of the subject. The lucid putting forth of arguments combined explicit description of how the subject is taught in colleges and universities across USA and beyond, has indeed got the power to awaken a scholar drugged in the slumber of intellectual myopia. As the title suggests, this book is a lot about racism and race equations in the study of the international relations. However, it is much more than that. This book works as a very important reminder to the academic community about the highly politicised roots of disciplines.

The preface of this book is highly revealing. It is where the entire iconoclasm of the entire book starts. The author begins by stating that 'this book has its origins in a cold, grey December afternoon' in Worcester, Massachusetts where he was going through the library of Clark University, where he was employed at that time. He was reading a book by William Koelsch on the contributions of Clark University to twenty first century social science. It was there that he discovered, to his utter dismay, that the first journal of international relations named "The Journal of International Relations" was actually founded in 1910 as "the Journal of Race Development" only to be re christened as the former in 1919. This is something which came as an absolute shocker to the professor. What is to be discerned from this incident is the fact that if a professor of international

relations finds this to be news then what degree of knowledge about this would ordinary students and scholars have? The degree of this historical amnesia is discussed in the rest of the preface where Professor Vitalis speaks about how he, like most others, held as common knowledge the fact that the first journals of international relations had their origins in the post Versailles world order. Vitalis says that when he followed up with this research he discovered many other facts which have erased the works and efforts of many scholars such as African American scholars from history. He takes the example of WEB Du Bois, an African American scholar whose works are not taught much these days. Du Bois was a scholar who, in the author opines- transformed the author's understanding of the social sciences.

The next part of the book begins right where the preface ends. The introduction is given a very strong title- "Introduction- A Mongrel American Social Science." Right from the first paragraph, Vitalis clarifies what an introduction is supposed to do- to introduce the book. Vitalis begins by saying that what is known as international relations today was, at the start of the twentieth century, the study to inter race relations.¹ This kind of a revelation can leave any student of international relations dumbfounded as the author himself was at one point of time.² The race relations project was intrinsically related with colonialism and imperialism. In the beginning of the twentieth century, it was believed that a war between imperialist powers could result in the end of white hegemony all over the world. That is something which looked imminent after the First World War. There had to be a new method of understanding the relations between the whites and non whites- should there be a loss of the colonies (a reality after World War Two). The state centric nature of international relations does exactly that. Making states the unit of analysis and studying relations between states and answering questions like who gets what/who controls what in the international sphere is basically maintaining the same genealogy of the goals of the study of the race relations project- how will relations be between whites in the metropole and non-whites in the peripheries?

The introduction goes on to talk about how African American histories have been intentionally obscured/erased/ignored from the academic discourse. Vitalis does a very informative and useful task by talking about the "Howard School" of international relations. Howard University is a university in Washington DC with a very strong program in international relations. Howard has a focus on Black Politics³ and have been staffed by a number of erudite African American professors such as Ralph Bunche, WEB Du Bois, Alain Locke among others. Their ranks included Nobel laureates and professors educated in Harvard and Chicago. Scholarship from the Howard School was radical and actively discussed the factor of race in international relations.⁴ However, these scholars have been side-lined by the mainstream of the international relations scholarship.

Vitalis goes on to talk about the emergence of African studies as a separate discipline in the latter portion of the twentieth century.⁵ He laments, with a dash of humor, how there is a huge distance between the discipline of international relations and African studies.⁶ The introduction ends with an outline of the rest of the book is designed. The introduction serves as a very powerful critique of the discipline of international relations and clearly the exposes its racist foundations and imperialist tendencies. It also shows how there has been an attempt to create universal theories of international relations which seemingly trace their origin from antiquity (eg realism from Thucydides)⁷. However, it needs to be noted that the theories dominating the discipline- realism, liberalism and global constructivism are actually bearers of politics of a much more recent period. The introduction serves a great purpose in outlining the book. It also gives a clarion call about the racist and imperialist state of affairs within the discipline. In a matter of few pages, the introduction is able to write an alternate history of the subject called international relations. Vitalis also explains how the subject is being taught and how the racist narrative of the discipline's history is being passed on from one generation of scholars to another- how all persons in the academic hierarchy (undergraduate students, graduate students/teaching assistants, junior faculty and senior faculty) are inculcating without question, regurgitating and reproducing the

same racist/imperialist knowledge. The introduction by itself forms a very important reading and has the potential to be an eyeopener to many students and scholars of the social sciences.

The consequent nine chapters are divided into four parts. The first part deals with the end of the nineteenth century and that period encompassing the broad themes of imperialism and how imperialism led to the formation of the disciplines of Colonial Administration. It was also at this time that the American Political Science Association or APSA was formed and the character of this new organisation. Right from chapter one, there is a long list of examples which show how racism was propagated through academics. Hillary Herbert, Edward Ross, John Burgess and William Graham Sumner- all doyens in leading American institutions of the day are some examples. The chapter also talks about the handful of scholars who opposed this racist tradition of politics and the great degree of difficulty that they had to face. The works and efforts of WEB du Bois and Franklin Giddings have been discussed in detail. The early years of the APSA has also been discussed where imperialism was the main concern for that period where Americans had fought the Spanish in 1898, flaring tensions in Europe and tensions between colonies etc. In such a situation the American political Science scene was dominated by those who wanted to study imperial administration and race relations. Even progressive scholars were concerned with the questions of "uplift of backward peoples"⁸- something which alludes to the ideas of development theories which would emerge many decades later.

While the first chapter was about explaining how racism was an intrinsic part of the academic institutions in the early twentieth century, the second chapter focuses on the ideas and theories which justified racism and made it a part of academic literature in a suave and acceptable manner. Works of theorists like Burgess, Kesley, Reinsch and Ross are discussed and how theories of racism were given 'scientific' justifications. For example, according to Reinsch, the African brain was 'physiologically different'⁹. Many of these ideas were influenced by a wrong interpretation of Charles Darwin and his theory of survival of the fittest. However, it is also known without any ambiguity that Darwin himself denied that there were many species of man and that his theory is applicable to justify racial discrimination. The arguments of Darwin in explaining these phenomena in his book 'Descent of Man' (1871) is discussed by Vitalis in this Chapter aptly titled "Race Children". The Chapter also discusses the fact that many scholars at Howard university and other places tried to offer counter narratives to these theories by more hard hitting arguments such as racial inequality as a result of historical differences and factors. However, they were a minority and social sciences were still dominated by these racist discourses.

Part two of the book shifts the focus on the Howard school and its tradition of thought also the forces of the opposite forces. It attempts to give a description of how the Howard school approached the newly born discipline of international relations which was dominated by discourses on empire, imperialism, race relations and war. Chapter three talks about the arduous scholarship of Leslie Buell who was the first American scholar on African Americans to have actually gone to Africa and done fieldwork over there. Alongside Buell, a number of other stalwarts of that period on Africa visited the continent and wrote extensively on the same. Alain Locke was one of them. People like Buell ran into the difficulties posed by the academic establishment, especially after he wrote against the immigration laws discriminating against non-whites, especially the Japanese, in 1924. The chapter also talks of the works of Lothrop Stoddard and his theories of the Nordic racial supremacy which permeated the American mind for a long time. Theories such as his promoted the idea of the fear of a decline of white supremacy in the world- something which wasn't true but was enough to alarm the people in the USA. Stoddard was one of the proponents of segregation and biracialism. Vitalis writes that this was also a period when colored people were stirring to an extent led by intellectuals of their community- the rise of the "new negroes."¹⁰

Chapter four is titled "Imperialism and Internationalism" in the 1920s. It is a voyage through the quagmire of international politics of the 1920s. Starting with the post Versailles order and its aspects of race where "savage" people of Africa and Europe were denied the right to national

self-determination allocated to the people of Europe. The chapter discusses the American reaction to this system where USA was opposed to the mandate system by which Britain and France virtually increased their colonies and USA had a greater interest in studying World Affairs. The chapter also speaks of how the Howard school emerged at this point of time and, also of the pains of Ralph Bunche who took great effort to promote African studies within international relations.

The next part of the chapter focuses on the market collapse and its impact on the discipline of international relations. It was this period post 1929 that the liberal order promoted by the international relations academia seemingly fell apart. The Great Depression (Failure of market economy) and rise of fascism in Europe resulted in the emergence of realism- a school of thought which was even more focused on the centrality of the state. While it is commonly taught that realism gained grounds in the 30s, Vitalis explains the political economy of the rise of realism and also the politics of dominant discourses and vested interests which facilitated the rise of realism. The chapter also makes strong references to the fact that liberalism and realism are both two different versions of White, European power politics.

Part three is dedicated to extend the genealogies of these thoughts through the thirties and forties and debunking the popular myths such as 'isolationism' and 'idealism' that have been created by Cold War era scholars. Vitalis argues that these myths have been created to marginalise voices which challenge the consensus. Chapter five consists about a number of ways in which the African American community's intellectuals were organising theories and debates to fight the white hegemony. Marxism was a major approach which was adopted by these scholars. Two main strands of Marxist thought emerged within this movement. One was led by WEB Du Bois and the other by Ralph Bunche.

Chapter six tells a story of systematic discrimination which the towering figures of international relations used to quarantine the Howard school and shut out their ideas. While many of the Howard scholars were brilliant and received a great deal of recommendations, they were prevented from attending major conferences and presenting their works in front of major audiences. This was a method used to make sure that international relations remain a discipline pandering to the narrative of the establishment and of course the status quo on race relations. It was not that there was a dearth of opposing voices from credible scholars within the discipline- it is just that there was a meticulous effort and pushing their work into outside visibility of conferences, journals and other places. Vitalis also talks about how the works of these scholars often had to be recovered or re discovered by scholars from other disciplines- such as African American studies.

Part four is dedicated to the liberation movements and greater civil rights and what happened to race relations in international relations afterward. This is the period when on one hand decolonisation was happening in Asia and Africa and on the other hand there was the development of a discipline called Area studies due to the Cold War realities. Now, area studies is something which the discipline of international relations was created to do in the first place- to study Africa and Asia (though to retain white supremacy). The seventh chapter is dedicated to the burgeoning of the discipline of area studies. This was happening simultaneously with the development of Western/ Eurocentric ideas such as 'development theory', 'modernization theory' etc. These theories were created to push down a Western concept of development down the throats of the newly independent nations of Asia and Africa. In other words, this was a method of retaining colonial hegemony through capitalism over the ex- colonies. In even other words this was to be used to retain control of the colored world and retain the global supremacy of the whites.

Chapter eight is dedicated to the story of how the Howard school has been able to create a market for itself despite structural opposition. The Howard school has been ignored and neglected. However, it has been able to retain a high degree of scholarship and critical thinking over the years. It has been a road riddled with obstacles from McCarthyism to academic black labelling.

Yet the Howard school remains a bastion of intellectual resistance against the racist intellectual narrative of the international relations academics. While it remains a lesser known institution and continues to be side lined and ridiculed, it retains its intellectual tradition.

The final chapter discusses the fate of persons who have dared to take on the establishment with their radical ideas. Examples such as those of Merze Tate and others have been discussed in detail. The chapter discusses how McCarthyism and other discriminatory policies affected the research of such other scholars. However, it is heartening to know that despite these obstacles such non-conformist thinking continues.

The book ends with a conclusion which is as exciting and incendiary as the beginning. Robert Vitalis asks some very pertinent questions in the conclusion. Having severely exposed the racist and discriminatory nature of the subject of international relations and the dirty politics which have been used to side line dissenting voices, Vitalis puts forth pertinent questions to the reader as well as persons associated with the discipline- which side are you on? Which way will you go? What will be the future of international relations study? Given the massive amount of knowledge disseminated in the book, these are massive questions of both conscience as well as academic integrity which students and scholars must keep in mind while studying international relations.

The book happens to be a great work of critical scholarship. While the seemingly infallible assumptions of international relations are challenged, Vitalis has backed this statements with solid facts and extensive research. This book has been a great service to academia and international relations scholarship- which exposed not only the politics of the establishment but also the flawed teaching methods which perpetuates a racist knowledge among successive cohorts of students. This book may have a focus on African American politics but is also very relevant to students and scholars of the Asian, African and Latin American countries. While the book is almost exhaustive, perhaps it would have been richer had it included some more reference to works of some African scholars such as Frantz Fanon and Achille Mbembe- who have worked extensively on these areas.

Methodologically, the book is very exhaustive- albeit in qualitative methods. This is another way in which Vitalis stands up to the international relations establishment which is mostly dominated by quantitative methodological paradigms. Vitalis has employed an array of qualitative methods to make strong arguments. Most importantly, he has used archival research, with painstaking effort, at a highly effective level. Having a historian's training, he has used his repertoire with remarkable dexterity and done a fantastic job of story-telling: bringing out the story of the discipline of international relations. *White World Order and Black Power Politics*, among other things, is also a work which brings back the importance of using the historical method in international relations. It also vibrantly promotes the use of archive research and other qualitative techniques which, as demonstrated by Vitalis, can be so effective in IR. With the rise of post-modernism, critical theory, constructivism and other post positivist methods in IR, this book definitely offers something to consider seriously.

Overall this book is one which should be highly recommended for all students of international relations. More than anything else, *White World Order and Black Power Politics* is about making students and scholars think and re-think the discipline. While it shakes up the establishment, it also stimulates thought. The book compels the reader to think about the future of the discipline. 1919 will mark the 100 years of the foundation of the first department of international relations. At this critical juncture, the subject of IR is facing a large number of questions- ideologically, methodologically as well as epistemologically- which way will the discipline progress? This book provides enough material and ideas which will make students and scholars ponder over such poignant issues. Given the status quo which is still dominated by realism, the effort of Vitalis is one of the few beacons of hope for a more egalitarian body of knowledge of the discipline. And of course, to raise questions like - 'which side are you on?'

NOTES AND REFERENCES

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Endnotes

1. Vitalis, Robert. *White World Order, Black Power Politics: The Birth of American International Relations*, Cornell 2015. Page 1
2. Ibid
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5. Ibid Page 14
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9. Ibid Page 49
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