

India-China ties: Is there an urgent need to find a new Modus Vivendi

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Abstract

Objective: To analyze whether the old agreement between India and China is sufficed to provide permanent solution to the sources of tension between the two nations or is there a need to find new Modus Vivendi.

Methodology/Statistical Analysis: The methodology used in this paper is purely a qualitative one. Secondary data has been collected from various official/Governmental sites and documents. The major idea behind this research is taken from the interview of India's Former National Security Advisor, Shiv Shankar Menon.

Findings: These major research findings are as follows: various sources of conflicts between the two nations are taken and are critically examined from the point of view of both the nations. It proves that there are much more opportunities to gain than to lose for both the countries and therefore there is an urgent need to have a new Modus Vivendi. It examines that the old Panchsheel Agreement has served its best which it could in the last 30 years to maintain peace and tranquility between both the nations. But now it is under stress and this is the perfect time to frame a new Modus Vivendi with its new challenges and untapped opportunities. It also provides the key elements for the new Modus Vivendi which incorporates permanent solution to the various sources of conflicts between the two neighbors.

Application/Improvements: This work opens the gateway for further research in finding strong and constructive key elements for the new Modus Vivendi between the two nations. Researchers can explore the basis of agreements and clauses to be incorporated in new Modus Vivendi which can provide permanent solution to the major boundary issue and water diplomacy problem between the two neighbors.

Keywords: Modus Vivendi, India-China ties, Strategic dialogue, bilateral relationship, Panchsheel Agreement.

1. Introduction

India and China are the two oldest Asian civilizations of the world. Both the countries have shared common historical relationships whether in terms of materialistic exchanges (trade) or in terms of cultural or spiritual exchanges. Here we will study the Sino-Indian relationship from the beginning of the contemporary period (20th century) which marks the end of the colonial rule in India. The Sino-Indian relations can be studied under four different phases which are discussed as follows:

1.1. 1st Phase (1947-59)

India was the first non-socialistic bloc country to establish diplomatic ties with People's Republic of China in 1950. China even admired India for its view of not choosing any particular bloc and following an ideology of Peace, Neutrality and Non-Alignment. From this point both the neighbor countries started supporting each other in various international matters e.g. India's strongly argued for the restoration of China's membership in United Nations. In return, China suggested the name of India as the chairman of the repatriation committee for the prisoners of war (POW) after the Korean War. In 1954, Chinese premier Zhou Enlai and Indian Prime Minister, Jawaharlal Nehru exchanged visits and signed 'Panchsheel Agreement' (Further discussed in detail). In order to resolve longtime boundary dispute, India further enunciated its rights in Tibet and committed itself to the non-interference in People Republic of China (PRC) [1].

1.2. IInd Phase (1959-1988)

During this phase, the amicable friendship between India and China suffered a setback with the flight of Dalai Lama to India due to a rebellion broke out on March 10, 1959 in Tibet. Their bilateral relations deteriorated when the India's support to Tibet was viewed by China as interference in its internal affairs. This boundary dispute between the two nations led to the war along the Sino-Indian border on October 20, 1962. After which China supported Pakistan during Indo-Pak conflict of 1965 and 1971 and over Kashmir issue. However, both the nations restored their ambassadorial relations by the visit of India's Foreign Minister, Atal Bihari Vajpayee to China in 1979. Despite the restoration of political contacts, both the nations did not reach a definite solution regarding boundary issue. But they decided that this boundary dispute should not be an obstacle in the economic development of both the nations. And this marked the beginning of third phase of relations between the two countries [2].

1.3. IIIrd Phase (1988-1998)

During this phase, Indo-China relationship gained a new momentum as a result of the visit of India's Prime Minister, Rajiv Gandhi in 1988. This led to a major change in the India-China bilateral relations and their regional dynamics. This phase between Rajiv Gandhi's visits in 1988 and India's nuclear explosions in 1998 is said to be the most cordial phase of their relationship. Certain important agreements were also signed during this phase. On September 6, 1993, prime minister, Narasimham Rao visited China and signed Indo-China accord on Line of Actual Control (LAC). In 1996, Chinese President, Jiang Zemin visited India and signed four agreements:-

1. The CSBM agreement (discussed further in detail)
2. The agreement on the maintenance of Consulate General of India in the Hong Kong, special administrative region of PRC.
3. The agreement on cooperation for combating illicit trafficking in narcotic drugs etc.
4. The agreement on maritime transport.
5. During this time, the two countries were again emerging into a new era of mutual comprehension and understanding until this last and the current phase (IV phase) of their relationship took place.

1.4. IVth Phase (1999- till now)

The equations between the two countries underwent a sea-change when the India exploded its nuclear devices in May 1998. China raised its voice on this matter and said that this was against international trend and was detrimental to the peace and stability of the South Asian region. It also blamed India for seeking hegemony in South Asia and called International community and demanded India to stop its nuclear development program. In response to this argument, India stated that, after a restraint of 24 years, China had conducted 45 tests whereas India had conducted only 5 tests. As a result, India had to made commitment to some of the undertakings of Comprehensive Test Ban Treaty (CTBT). After this the two countries resumed their talks in 1999 and agreed to resume the 11th Joint Working Group Committee (JWG). Following this, the two countries established a strategic and cooperative partnership for peace and prosperity during the visit of premier, Wen Jiabao in April 2005. Further in November 2006, during the visit of Chinese President, Hu Jinhao, and the two countries issued a ten pronged strategy to intensify cooperation. Then Prime Minister, Dr. Manmohan Singh visited China in 2008 and issued a joint document titled a shared vision for the 21st Century. After which both the nations marked the year 2014 as the year of friendly exchanges between India and China. This marked the beginning of their new diplomatic ties [3]. So, the two countries shared this kind of bond, bitter at some point of time and beautiful at the other and here important point to note is that several important kinds of agreements were signed during these years. Now, the question to which our research provides answer is that" Is it necessary to take a review of the old Modus Vivendi signed between the two nations.

2. Objectives

The main objective of this paper is to provide answers to the following questions:-

1. Is there a need for a new Modus Vivendi between India and China? If yes then Why?
2. Is there any case for not restoring any agreement between India and China?
3. If the second question holds untrue, what should be the key elements of a new Modus Vivendi?

3. Methodology

This paper is purely based on qualitative research techniques and tools. Secondary data is collected from various sources to analyze the different aspects of relationship between the two nations. Secondary data were also collected from the information given on the website of Chinese embassy. (Proper reference is mentioned in the references section). Beyond the use of secondary sources, the interview excerpts of the India's Former National Security Advisor 'Shiv Shankar Menon' during the inaugural ceremony of his book Choices have been taken, which forms the very basis of this research [4].

3.1. The old Modus Vivendi: India and China

In 1954, India's first Prime Minister, Pt. Jawaharlal Nehru proposed to make the first agreement between India and China i.e. The Panchsheel Agreement (the five principles of peaceful co-existence).

3.2. The Panchsheel agreement

China on April 29, 1954 in Beijing, China after several rounds of negotiation. To provide cultural and trade intercourse between Tibet region of China and India, the two countries signed this trade pact on bilateral trade relations. This agreement was based on the following:

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

3.3. The CSBM agreement of 1993

Confidence and Security Building Measure Agreement was signed on September 7, 1993 in Beijing as a result of Prime Minister Rajiv Gandhi's visit to China and Chinese Premier Visit to New Delhi in December 1991. This was the Asia's first major agreement on conventional military disengagement which has led to the actual disarmament between the two countries. Both the countries agreed that they will not use or threaten to use any force against each other and will respect and observe the Line of Actual Control (LAC) between them. It was the best possible solution to the ever pending boundary question between the two countries. The agreement decided on following matters:

1. In case of any contingency, arising in the areas of the Line of Actual Control, both the countries deal with friendly consultations.
2. Adequate measures will be taken to prevent Air intrusions in the area of Line of Actual Control.
3. Diplomatic and Military experts will be appointed by both the country's Joint Working
4. Group to resolve boundary questions. It has led to the positive Sino-Indian relations.

3.4. Extending CSBM to Military field

November 29, 1996 this extended version of CSBM Agreement was signed between the two countries as a result of first historic visit by China's President, Jiang Zemin to India. It was the first visit by the China's Head of State to India in the past two ancient civilizations. It revived the spirit of cooperation between the two nations that was initiated by the earlier agreement. The agreement was arrived at the following matters:-

1. Both the sides were prohibited to held large scale military exercises
2. No military aircraft of either side would fly across the line of actual control
3. To maintain the regime of flag meetings between the border representatives at the line of actual control
4. The two countries provide early information to each other on natural and epidemic disasters in countries border areas
5. Thus, these were the provisions made in the old Modus Vivendi to resolve all source of conflicts between the two nations.

4. Why there is a need for new modus Vivendi? / Why the question for new modus Vivendi is raised?

As we have seen that despite good bilateral relationship and economic cooperation between the two nations, there is a lot of volatility and instability in their relationship. The question for evolving this new framework is aroused in an interview with India's Former National Security Advisor "Shiv Shankar Menon" during the launch of his book Choices. During that interview he mentioned "I think that the old modus Vivendi, which for 30 years kept the peace and helped us to arrive at where we are, I think it is under stress now [4].

The 2012-2013 Leadership transition in China and 2014 election of Prime Minister Narendra Modi in India have presented new opportunities and challenges for cooperation. Therefore, the major uprising sources of tension between the two nations are discussed as follows:

4.1. Indo-China boundary dispute

The chief source of tension between the two countries is the disputed border in the Himalayas where a Line of actual control demarcates the boundary. The LAC runs along the southern part of the Aksai chin region, the northern part of the Sikkim State and the northern part of the Arunachal Pradesh. Certain agreements have reached in 2005 and 2013 regarding CSBM measures between their militaries but a low level confrontation between border patrols continues to occur. According to New Delhi, China's People Liberation Army have crossed many times the disputed portion of LAC (between January 2013 to August 2014). Recently, on September 10, 2014 PLA crossed LAC and started building a road according to India media reporting. Thus, both the countries have started to strengthen their military capabilities and transportation infrastructure for any contingency.

4.2. China's growing presence in Indian Ocean

Over the last five years the China's military presence in Indian Ocean has increased considerably which shows the china's desire to strengthen its ability to preserve sea routes necessary for its economic development. As recently China has entered into a Free Trade Agreement (FTA) with Maldives which is seem to hold serious political consequences for India. In 2014, PLA Navy Surface Task Group had conducted a long distance combat readiness patrolling around eastern Indian Ocean. In 2012 also, China deployed maritime collection ships in Indian Ocean. According to the above instances, these growing military activities around Indian Ocean by China are challenging the India's goal of being the primary security guarantor in the Indian Ocean. This is the major factor for the newly emerged question of New Modus Vivendi.

4.3. Nuclear Suppliers Group (NSG) Membership

Nuclear Suppliers Group is a multilateral export control regime and a group of nuclear supplier's countries that seeks to prevent nuclear proliferation by controlling the exports of materials, equipments and technology that can be used to manufacture nuclear weapons. India has become a member of MTCR (Missile Technology Control Regime) on June 7, 2016 and a member of Wassenaar Agreement in 2017. Now NSG is the only group left to be joined by India. But here again China is preventing India to become its member. India even explained China that its interest in NSG membership is only to promote the expansion of Clean and Green Energy Program and there are not any political or strategic considerations behind it. Against this, China has given a reason that India being a non-signatory to Non Proliferation Treaty (NPT) should not be given any single country waiver. China has also instigated smaller countries against India and is now openly opposing India's membership [5].

4.4. China Pakistan economic corridor

Due to India's unfriendly relations with Pakistan, China friendly relation with Pakistan is a source of big tension between India and China. India's major concern is the China's support to Pakistan's military through arms sales and technology transfers. According to Stockholm International Peace Research Institute (SIPRI), between 2004 and 2013 Pakistan received \$4.1 billion in deliveries of Chinese arms, exceeding the \$2.7 billion in US arms deliveries during that period". In 2013, both Pakistan and China made a deal to build two nuclear power plants in Pakistan over which the India and US government raised various concerns but China argued that these are not against the international nonproliferation agreements [6].

4.5. Doklam issue

Doklam area/Donglang is a disputed border area between China and Bhutan and forms a tri-junction with India. China claims his possession over Doklam Plateau on the basis of convention of Calcutta signed in 1890 and it claims that Doklam lies in the Xigaze area of Tibet but Bhutan protested china, as china claims a large part of Bhutanese territory as a part of its own. Therefore, Bhutan signed and renewed a new friendship treaty with India in 2007 so as to take its guidance in foreign policy issues. On June 16, 2017 Chinese troops along with construction vehicles and road building equipment, started building an existing southward road on the disputed territory of China and Bhutan. But on June 18, 2017, Indian troops with weapons entered there to protect Bhutan border. After which, on August 28, 2017, both the countries withdrawn their military from the Doklam. Therefore this is also an important issue which is creating localized tensions between the two countries.

4.6. Tibet region and Water diplomacy

In 1960, Dalai Lama's flight to India had deteriorated the China India relationship. Also China has established its full military and political control over Tibet yet it fears that India will use the presence of Dalai Lama and create unrest in Tibet. Therefore China claims Arunachal Pradesh as a part of Tibet. Apart from this, Indian river Brahmaputra begins (flows) in the Tibetan Region over which China has constructed dams to generate electricity. Although Beijing and New Delhi have discussed these plans but China stated that it will not affect downstream area in the upcoming years. But if these projects would lead to worsened flooding or lessened water availability in India then it could lead to major source of conflict and war between the two nations [6].

4.7. Trade Imbalance between India and China

This is another area of friction between the two nations. This issue has been raised after the meetings of the Indian Prime Minister Narendra Modi and Chinese President Xi Jinping. Since 2014 China accounts for a larger share in Indian imports than its exports. In 2014, India's trade deficit of \$ 938.6 billion consisted of one quarter of contribution of China. The overall composition of bilateral trade proves harmful to India. Thus these are the factors which explains that yes, there is an urgent need to review and renew the old agreement between the two countries. The new Modus Vivendi should be introduced so as to provide a permanent solution for these new and uprising issues emerging between these two superpowers. Hence to maintain peace and tranquility for another 30 years, these problems must need to be resolved through a mutual agreement or memorandum of understanding which provides various provisions for the peaceful development and existence of both the countries.

5. A case for not restoring any Modus Vivendi?

The answer to this question lies here. Since the factors of tension between India-China relationship are so complicated, whether these may be in terms of political issues, water issues, or boundary issues, the old modus Vivendi is not suffice to provide a solution to resolve them. Another point is that despite these tensions, both the nations seek cooperation of each other in variety of issues. In 2013 Chinese Premier, Li keqiang visited India and stated that "there are far more interests than differences between our two sides". Both the countries have been cooperating on several issues like:

1. Climate change issues
2. China's \$20 billion investment in Industrial Parks
3. Cooperation between states of the two countries
4. Agreement on Railway Development in India

In addition to this, there are several Modi-Xi summits and trade related outcomes such as strengthening the China-India strategic economic dialogue, a new dialogue between India's department of economic affairs and development research centre of China's State Council.

1. India China financial Dialogue involves” in principle approval” by India to allow Bank of China to open a branch in Mumbai.
2. The two countries agreed on introducing energy efficient smart city project.
3. Both the nations are working together in multilateral forums also as BRICS members have agreed to establish a development bank which will be a competitor to World Bank.
4. In this new era of globalization, there are a lot of opportunities, which both the nations can tap if they work in joint cooperation. Therefore both the nations will have much more to lose if the new modus Vivendi is not introduced.

6. Key elements of a new modus Vivendi

Now the question arises, if there is an urgent need to restore the old agreement then what should be the key elements of new Modus Vivendi? Firstly the new agreement must provide a permanent solution to the Indo-China border dispute as it has been a long period. The CSBM agreement needs reconsideration as there is a need to reinvent or redefine the nature and dimensions of provisions of the articles in it. Secondly, new measures for maintaining peace and tranquility in border areas need to be incorporated. Lastly, various provisions regarding strategic partnership between the two must be introduced. However, the basis for this new agreement should be our old Panchsheel Agreement whose principles provide the foundation for peaceful coexistence of both the nations in the world.

7. Conclusion

The conclusion drawn from this research made a very strong point for restoring a new Modus Vivendi (mutual agreement). Various issues of conflicts and areas of untapped opportunities have been discussed between the two nations. As the relationship between the two super powers, India and China is of global and strategic significance i.e., they are not competitors but are partners for mutual benefit which aroused the need for new and redefined agreement. It also reconciles the statement made by our former National Security Advisor, Shiv Shankar Menon that “I think it’s time we actually evolved or we actually grew that Modus Vivendi”. In short, there is a need for proper strategic dialogue between the two nations which can resolve all the sources of conflicts and could establish a new path for the economic development of both the nations.

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