



## Foreign Relations in India: A Growing State Role

AMITABH MATTOO / HAPPYMON JACOB

The constitution of India gives the federal government in New Delhi virtually exclusive jurisdiction over issues of foreign and defense policy. In practice too, the federal government has exercised strong control over India's external relations since the constitution came into force in 1950. The constituent unit states have, with some notable exceptions, played little role in the formulation or the implementation of the country's foreign relations. This centralized control has begun to weaken, however, over the past decade or so. A variety of factors are responsible, and this gentle erosion of federal authority, *de facto* if not *de jure*, would appear likely to continue over the next decade. This gradual loosening of the centralized control on foreign policy is seemingly not a conscious or voluntary act by the Union Government.

Even a fleeting glance at the seventh schedule of the constitution of India reveals that the Union Government has almost absolute powers to frame and implement foreign and defense policy decisions in the country. This schedule of the Indian constitution sets out the division of powers and contains three lists: the union list, the state list and the concurrent list. The federal government legislates on the subject matters mentioned

under the union list while constituent units legislate on items mentioned under the state list. The concurrent list includes items on which both the federal government as well as the state governments have joint jurisdiction. Neither the state list nor the concurrent list mentions any items that directly deal with the foreign or defense policy of India. Under such circumstances, it is necessary to look for evidence outside the constitutional framework. Are there cases in which the constituent units have been able to influence foreign and defense policy decisions of the country through extra-constitutional means and practices?

While the states have virtually no direct constitutional jurisdiction over foreign relations, in practice the reality is emerging somewhat differently. Since the early 1990s there has been a gradual weakening of the tight grip that the federal government has held on the country's foreign policy. There seem to be four inter-related reasons for this growing influence of

While the states have virtually no direct constitutional jurisdiction over foreign relations, in practice the reality is emerging somewhat differently.

constituent units on foreign policymaking. First, the special constitutional status given to a particular state, such as the autonomous status granted to the state of Jammu and Kashmir, may give the state's political leadership a voice in the foreign policy making of the country. In the recent past, the chief minister of Jammu and Kashmir, Mufti Mohammed Sayeed, was able to influence India's policy toward Pakistan. Sayeed is widely regarded as the architect of several confidence-building measures that were introduced between the two

countries. These include the resumption of the Srinagar-Muzaffarabad bus service across the *line of control* that divides Jammu and Kashmir between India and Pakistan, as well as the unprecedented collaboration between Islamabad and New Delhi after the devastating earthquake in Jammu and Kashmir in the fall of 2005.

Second, the political weight of a leader of a particular state can also influence foreign policy making, albeit in an informal manner. The example of Amrinder Singh, the chief minister of Punjab, is illustrative of this. Singh reached out to Pakistan's Punjab on the basis of a shared cultural tradition, *Punjabiyat*, and this policy received considerable popular support within Indian Punjab. In another instance, the Kashmiri Leader, Sheikh Abdullah went to Pakistan as Prime Minister Nehru's emissary in 1964, and is believed to have even worked out an understanding with President Ayub Khan. This understanding could not, however, translate into reality since Nehru passed away even while the Sheikh was still in Pakistan. Similarly, political heavyweights from the southern state of Tamil Nadu have been able to exercise considerable influence on New Delhi's policy towards Sri Lanka.

Third, coalition governments at the federal level have provided space for state governments and leaders to exercise greater say on foreign policy

issues. Chandrababu Naidu, the chief minister of Andhra Pradesh, was often consulted on major foreign policy initiatives by the federal government because Naidu's party was an important coalition partner at the federal level.

Finally, while the constitutional position may not have undergone change, the forces of globalization have created new practices and possibilities that may give the constituent units a greater role in the future. This can be seen especially in the case of foreign economic policy making. Many international financial agencies and institutions, for instance, are negotiating directly with the state governments in India. Independent discussions and negotiations are held between agencies and organizations, such as the World Bank, Asian Development Bank, UNICEF, UNDP and the various state governments. The state of Andhra Pradesh even has a World Trade Organization (WTO) cell to deal with WTO issues. With the Southern Indian states becoming the hubs of software development and focal points for foreign investment, the federal government has to weigh the policy preferences of these states while making foreign economic policy. Moreover, with the competition for Foreign Direct Investment (FDI) increasing among the Indian states, top officials from the state governments often take the initiative of traveling abroad to negotiate terms and conditions for the investment with the organizations concerned. Anti-globalization movements in various parts of the country have also exhibited the power to influence the terms and conditions of investment and production in particular regions.

The forces of regional integration have also created space within which constituent units have begun to play a role. Pressure from the government of Sikkim helped to speed up the opening of the traditional trade links between the Indian state of Sikkim and China across the Nathula pass. The chief minister of Sikkim, Pawan Chamling, had even set up a study group which strongly recommended the opening of the route. Similarly, the state of West Bengal has greatly supported the Bay of Bengal Initiative for MultiSectoral Technical and Economic cooperation (BIMSTEC) initiative which links South Asia to South East Asia and seeks to create a Bay of Bengal economic community. This would have the potential to make Kolkata (the capital of the state of West Bengal) once again the hub of trade and commerce as it had been in the early years of the 20<sup>th</sup> century.

This slow but steady change taking place in the formulation of the country's foreign policy is widely welcomed. India, a diverse and plural country requires a change in its style of policy formulation in order to be really in tune with its heterogeneous reality. A more consultative, organic and creative style of foreign policy will be more in sync with the needs of the people and could form the basis of a real national consensus.