Sovereignty and Heteronomy in Society of States: Imperial Leftovers in China – Hong Kong and India – Bhutan Relationships

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Introduction

Stated in the most general terms, the paper is interested in the way how sovereignty is constituted and how it works. It is argued here that we can get the best insight into the general issue of sovereignty and, more broadly, into the character of the modern international order if we look at those cases when sovereignty gets bend, becomes incomplete or problematic (in different possible ways) or when it is connected with different models of polity organization. In other words, it is argued that we should look at fringe situations, players or constitutions of sovereignty. China and India seem to be crucial testing cases for the specified purpose as both are seen as strong advocates of “Westphalian” (“conservative”) sovereignty and at the same time have imperial histories; they relate themselves to their own histories of great empires and incorporate heritage of another – British – empire. Largely influenced by the imperial history, they organize very specific relationships with other smaller polities – Hong Kong and Bhutan. The process of imperial handover (from the British empire to China and India) largely influenced contemporary sovereignty status of Hong Kong (autonomous region of China and, simultaneously, a global player) and Bhutan (quasi-protectorate of India with limited foreign and security policy). Hence, these cases can be understood as imperial leftovers incorporated into society of states. Asking how China’s and India’s sovereignty fit into different specific contexts, I aim is to analyse sovereignty configurations in the China – Hong Kong and India – Bhutan relationships. The examination of the cases is relevant for enhancing our understanding of post-imperial histories of China and India, for improving the general theorization of contemporary international order and for explicating flexibility of the fundamental IR rules such as sovereignty. However, the argument is not that we should strictly separate imperial relations and the modern system of nation states as two different and mutually exclusive types of order. On the contrary, the paper tries to show how current world order and international society (society of states) accommodates logics of both. Thus, the empirical focus of the paper supports the argument that the international society is heteronomic in the sense of word as used by Ruggie (1993)\(^1\). However, contrary to Ruggie’s seminal paper and other important works on development of the sovereign state (Spruyt 1996), this paper points out that large systemic shifts are far from absolute (which is far from completely new argument, see e.g. Bátor – Hynek 2014, Osiander 2001, Teschke 2003) and, especially, that constitutional logic and principle of international society is ontologically\(^2\) flexible. Due to that different logics of different types of order can be (are) combined.

In order to approach sovereignty in the way as indicated, I construct a theoretical framework building upon different institutionalist approaches and some other related perspectives. The framework should allow to focus on relational or dyadic aspects of how sovereignty is constituted as Biersteker and Weber (1996) urged researchers of sovereignty to do. The framework shall help us see that dividing lines between sovereign units (i.e. supposedly their key definitional feature) do not work as neatly as prescribed by the Euclidean geometry in which there can be nothing inside the lines and everything must be either here or there, strictly inside or outside.

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1 By the term “heteronomy”, Ruggie (1993) implies that there are aspects which have different modes of growth and operation.

2 The term "ontology" is used here not in the proper philosophical sense but it implies basic constitutional characteristics of “IR world”.

The paper proceeds in a usual manner. The next section clarifies the paper’s general approach and then develops the theoretical framework. Next two sections focus on each of the examined cases. Finally, the paper is concluded in the last section.

Theoretical Background and Approach of the Paper

As indicated above, it is a key claim of the paper that sovereignty configuration of China and India does not stop at the borderlines. Due to that, I argue that we need to take into account positioning of Hong Kong and Bhutan towards China and India respectively. Although a common-sense view could be that Hong Kong is a part of China as it was returned by the UK to China while Bhutan is an independent country, these two cases help to show that they share some resemblances and, thus, we cannot fully rely on what might conventionally be seen as ultimate dividing lines (borders). In a more general manner, it is argued that there are variances in sovereignty which should not be understood as exceptions to sovereignty or features that negate sovereignty but rather as elements that emerge in the process of constitution of sovereignty. This section of the paper introduces a theoretical framework which should account for that although it is not fully developed at this point of research. Together with that, the section aims to specify how I proceed in the paper.

The Approach of the Paper

As implied above, the position of the paper is that sovereignty is a relational phenomenon. The relationality is twofold. Firstly, I will try to argue below that sovereignty is constituted via linking to the locus of domestic authority (or establishing that) and to the international normative structure. Although it may look as a fairly standard approach, I try to de-essentialize sovereignty (start without any specific definition of what sovereignty and its content must be). At the same time, I claim that sovereignty is not what ultimately resides in the domestic or international locus/source/norm of sovereignty but rather what is created along the lines between the two. Secondly, I see sovereignty as what comes out of interactions between different actors. As Biersteker and Weber argue in their account on sovereignty „[t]he ideal of state sovereignty is a product of the actions of powerful agents and the resistances to those actions by those located at the margins of power” (Biersteker – Weber 1996: 3). One of the possible ways and class of cases which we can investigate are those when sovereignty configuration floats between two polities as in the case of the China – Hong Kong and India – Bhutan relations. The investigated relationships will help to illustrate how sovereignty dynamics between certain (more powerful) agents and other (local) agents conditions and influences the character of the dividing lines which are established in such relationships. Such situations than constitute very specific cases of sovereignty configurations. In other words, the cases are excellent for demonstrating how dividing lines between polities or states – i.e. something which should be a key defining feature of each case of state sovereignty – are problematic and much more blurred than it might appear.

The paper is based on two case studies. One is focused on China and Hong Kong, the other on India and Bhutan. I present them as two parallel case studies. Thus, the approach of the paper is not comparative. In each of the cases, I focus on constitutive moments of such a relationship, i.e. on moments or periods of time in which key characteristics for the sovereignty constitution and relationship have been established, and then look at the current situation and sovereignty configuration in each of the cases. In the paper, I build upon a theoretical framework which I introduced in the following part.

Theoretical Background

Stephen Krasner (1999) famously argued that sovereignty has been a hypocritical norm (or bundle of norms) as it has been under constant stress. There has been various specific counter-arguments against Krasner which I do not aim to repeat here (cf. e.g. Goldsmith 2000). I would rather point our attention to a general weakness of Krasner’s work which lies in its inability to explain how sovereignty is created. I argue that because Krasner lacks insight into constitution of sovereignty, his ultimate argument about
“sovereignty as hypocrisy” may not hold true. Krasner substitutes the actual analysis of sovereignty constitution with an extensive literature review through which he specifies key four dimensions (parts) of sovereignty. He distinguishes sovereignty into the four dimensions along two axes: a) domestic vs. international and b) authority vs. control. Each of the four categories is one of sovereignty’s component. As far as basic analytics of sovereignty is concerned, his scheme is useful and I will reflect it (in a more or less explicit manner) but it largely lacks analytical ability to account for dynamic links between the categories, to specific conceptions of sovereignty in their entirety (how is sovereignty perceived, what actors make of it?), or to the sources of authority or control outside sovereignty (e.g. to international society).

For the purposes of the paper, it is insufficient to work with usual definitions of sovereignty as e.g. one of the most famous one which claims that “the idea of sovereignty [is] the idea that there is a final and absolute political authority in the political community and no final and absolute authority exists elsewhere” (Hinsley 1986: 26). I develop my own analytical framework which departs from the discussion between Carl Schmitt and Hans Kelsen in international law theory. The two theorists disagree about the character of sovereignty. While Schmitt argues the ultimate locus of sovereignty resides in the domestic sovereign that is able to decide about exception from the normative order, Kelsen is sympathetic to the idea that sovereignty derives from the highest normative order, i.e. international law. Although the dissertation does not aim to decide who is right or wrong in the debate, it is useful to see how Kelsen went to proceed with that dilemma between the domestic vs. international source of sovereignty. 1) Kelsen recognized that it is impossible to ultimately decide whether sovereignty is based in the domestic sovereign capacity or the structure of international law (although sympathetic to the latter) but 2) argued that sovereignty must always be traced back (or must be traceable back) to what he called basic norm. To simplify his idea of the basic norm, it is the ultimate locus of sovereignty; i.e. from his point of view, sovereignty should be traceable back to the basic norm of international law. (Suganami 2007, Schmitt 1985, Kelsen 1945)

Rather than deciding between Kelsen’s or Schmitt’s inclination, I suggest that reading them together should propel us to look at how sovereignty finds its links to 1) the domestic locus and 2) the international structure of norms or institutions. In other words, sovereignty is what is traceable to 1) and 2). Sovereignty is nothing more than practice or performance of renewing sovereign capacity through making and ideally monopolising links to 1) or 2). However, sovereignty or the sovereign state is not (and logically cannot be) either 1) or 2). Sovereignty, in principle, is what is between 1) and 2) depending on sufficiently strong links to 1), 2) or both. It is also good to realize that to ultimately associate sovereignty with 1) or 2) means to associate it with either “inside” because the domestic sovereign is a domestic (within-state) characteristic (taken to its extreme, the domestic sovereign is nothing more than the dominant power centre inside the state) or “outside” because international law or international society is essentially an above-state-structure. Moreover, sovereignty can never be completely interchangeable because it would become nothing less than the domestic dominant power centre (or nothing less than the domestic government) or nothing less than completely derived from and interchangeable with international law or international society.

I will refer to the process of connecting to 1) or 2) as scaling. During the process, different elements are connected so that they can work at different scale (domestic, regional, global). When it comes to 1), I will be looking at the domestic locus of authority is created or how links towards it are established. When approaching 2), I argue it is important pay attention to the complex international structure of norms and institutions. In order to analytically disintegrate 2), I conceive it as international society composed of different primary institutions, secondary institutions and norms as specified by the so-called English School of International Relations (see e.g. Bull 1977, Buzan 2004). According to the English School, international order is tightly connected with different institutions and institutional and normative elements. The primary institutions are general and organizing institutions of international society. We can regard international law, diplomacy, balance of power, nationalism, or global capitalism as one the most important ones. These primary institutions are mutually constituted with their more specific manifestations: particular norms, international regimes and organizations and the like.

The process of scaling towards the domestic or international locus involves “work” of A) norms and institutions, B) discourse and C) power. In the paper, it is possible to specify a methodological triangle: relationships between discourses (including inter-textual elements), power (and practices) and institutions. The vertices of the triangle are supposed to underpin each other. Institutions, which are stabilized sets, norms and values, can produce their own discourses (for their own justification), stabilize (or change and then stabilize) current discourses or constrain production of discourse and, thus, create moments of silence
or rules of censorship. Institutions relate to and enable and constrain practices in a very similar way. While I primarily focus on norms and institutions, the other two elements (B and C) help with their analysis. Besides B) and C) in connection to A) as general elements of social actions, I consider specific processes of construction of institutions and norms. These mechanisms are not mutually exclusive and are inevitably connected with the three general elements (A, B, C). I take into account: I) norm localization (or change of norms connected with their transportation), II) performance of norms and institutions, and III) utilization of institutional models.

I) Localization of norms developed by Acharya (2004, 2009, 2011) is an advancement in the literature of norm dissemination. While previously literature on norm dissemination focused primarily on the horizontal spread and distribution of norms, Acharya turned the attention to the issue how norms originating in one context (e.g., global) can travel to a different one (e.g., local context). He suggested that adjustment of norms (their localization) may often happen during the process. II) Erik Ringmar (2012) indicated that how norms and institutions work and distribute is also dependent on performances of actors. Through specific performances, larger ideas, institutions or institutional systems can be constituted or re-constituted. III) The Stanford School of Sociology showed that global culture is full of institutional models which may serve as inspiration for local practice (Finnemore 1996, Meyer et al. 1987, 1997). The school's key claim is that there have been unifying tendencies and the increasing spread of global models of and for (political) behaviour and organization. Although I accept their suggestion that local practice may often be founded upon more general (global) models, I contend with them about the character of such a process. Borrowing from I) (and partly II), I want to highlight the possibility that global models are not stable and may be adjusted in the process of their incorporation.

China – Hong Kong

Constitutive Situation – The Handover of Hong Kong and Negotiations between China and Britain

Hong Kong’s transfer to the PRC in 1997 was preceded by negotiations between the PRC and the UK. The active role of Hong Kong in the negotiations was rejected by China as unacceptable “three legged stool” (Yahuda 1996: 11). British representatives quite quickly accepted that they cannot retain Hong Kong after 1997 when one of the treaties which had leased a part of Hong Kong to Britain in the end of 19th century was to expire. Key goals which the UK wanted to achieve was to preserve 1) global status of the city and 2) at least certain aspects of the social setting of Hong Kong (including many social and personal freedoms). Both were obviously mutually connected. China accepted both as well. China and Deng Xiaoping genuinely wanted to achieve the first of these goals while it seemed that they quickly understood that it is not possible without the second one. (e.g. Tsang 2004: Part III, IV) The combination gave rise to the unique position of Hong Kong. China regained its sovereignty over the previous British colony, but the sovereignty transfer was much more sophisticated than as the Chinese official phrase “returning back to the motherland” might seem. The solution for Hong Kong was found in what is known as “one country, two systems” (OCTS).

OCTS was formulated as a framework which should allow integration with Taiwan. Although it has not been practically realized in the cross-strait relations as Taiwan has been refusing to subsume under China, OCTS was put into practice as a framework for Hong Kong and Macao. As the name suggests, the key idea of OCTS is that it allows Hong Kong to keep its unique political, social, cultural and economic system while it is integrated with the system of mainland China in one country. The solution gives Hong Kong a high degree of autonomy. Its status is largely defined through the basic laws (de facto constitution). As officially expressed by China, Hong Kong is not allowed to have its independent foreign policy, but it does have quite rich external relations in which it is largely up to Hong Kong to cultivate its global status. These characteristics are more or less formalized and institutionalized within the concept and practice of OCTS (Tok 2013: chap. 5). In 1982 (if not earlier at different occasions) and derive from the original Deng Xiaoping’s emphasis that Hong Kong would remain a free port and global financial centre (Vogel 2011: 495). Since then until today, China has been aware that Hong Kong needs to be allowed a significant degree of autonomy in order to
develop its global relations. China also realized that potential disruption of Hong Kong’s imminent global economic, trade and social connections would not go without significant dissatisfaction or protests by many different international or global actors and without damaging both Hong Kong’s position as well as China’s reputation.

In much less explicit manner, OCTS is connected with specific understanding of the nation. British takeover of Hong Kong in the 19th century has been seen in China as an important symbol of its humiliation and shame. Getting Hong Kong back would be a mean how to demonstrate legitimacy and capability of the current Chinese regime. Deng as well as other Chinese representatives spoke about their responsibility to the whole Chinese nation when it came to the possibility to get Hong Kong back (Vogel 2011: 493, Yahuda 1996: chap. 1). Thus, Hong Kong’s return became closely connected with the history of the whole Chinese nation and the discourse of national humiliation (Callahan 2004: chap. 5). On the other hand, it seems that there has been some distance between “proper China” and Hong Kong people. Even there was no such real difference, the borderline between mainland China and Hong Kong (the line exhibits all characteristics of the typical modern international boundary, including the need for entry permit for Chinese) establishes it. I argue that emergence of OCTS as a creatively localized version of sovereignty derives from two models of polity organization. The model of ancient China’s Sino-centric world order, which is present in the Chinese society as a residual scheme of political order, serves as conceptual inspiration as it opens possibility for coexistence of one final (symbolic) authority (de jure sovereignty) with multiple governing centres (effective sovereignty centres) in a multi-layered configuration, which gives sovereignty a higher degree of flexibility and elasticity. The Soviet model, which is the current basis of state-government structures in current China, effectively influences the relationship between sovereign authorization and nation. In the model, the ultimate locus of sovereignty lies in the ruling political party. The ruling political party is what constitutes the state and might be placed above the nation.

Tok (2013) whose book offers one of the most insightful and comprehensive elaborations on OCTS and China’s approach towards Taiwan when it comes to polity organization likens OCTS to the Sino-centric world order which was in place until the mid-19th century. Similarly to the Sino-centric world order, OCTS is based on concentric hierarchical political relations in which Beijing is at the top and in the centre, Hong Kong further from the centre (Beijing having just a partial control over Hong Kong) and Taiwan even further (currently being only very loosely connected to Beijing and mainland China). The crucial element of the Sino-centric order is that rulers of political units were symbolically subjugated to the Chinese emperor, but they were effectively ruling in their own kingdoms without much or any interference from the centre. The system, similarly as the European medieval order, was multilayered and the question which land or population belongs to which political unit (ruler) was largely irrelevant because they belong both to the emperor and their own king. It is how the Sino-centric world order worked in its ideal model (Ringmar 2012). The inspiration stemming from the old imperial model is probably implicit and indirect. From what we know, Deng was not substantially relying on the old time principles; his mission was to modernize China indeed (Vogel 2011). However, the model apparently survived as residual in Chinese society (Callahan 2010, Shen 2007) and even Deng sometimes indirectly made use of some traditional influences (Vogel 2011). The Soviet model was transported to China from the Soviet Union by Sun Yat-sen, the KMT leader, who was, however, inspiration for the Mao Zedong and the Chinese communist in general. Striving to defeat the Chinese empire, Sun faced the question how to subsequently establish a new state. According to the Soviet example which he turned to, a new state had to be created by and through a political party. In other words, Sun decided for state-building through party-organization when the party should double institutional structures of the government (Zheng 2010: 55-58). In the model, the vanguard political party interconnects with and penetrates into the state’s governing apparatus. Although it is meant to aspire to Lincoln’s creed of government of the people, by the people and of the people, Sun recognizes that many people do not have sufficient vision and, thus, they need to be led by those who have it (Chen 1999: 24-25). Sympathizing with Sun and many (although not all) Soviet ideals, Mao and other Chinese communists adopted the model for the newborn PRC. The state is created through the party-government-army interconnection. However, their system includes similar tensions as Sun’s. Although political parties should be abolished when the revolution eventually wins, the CCP must lead the people and control and command government (and army) before the final victory (Mao 1949). Although the CCP should go to the people to see and understand their needs in the process which is meant to be truly democratic, the party leads, sets the course and effectively decides without needs for authorization from the people (Mao 1949, Lin 2006). Moreover, the party stands above
the nation in one more sense. Due to the presence of reactionaries and anti-revolution forces in the nation (Mao 1949), the party cannot really represent the nation (in its completeness) before the revolution finally wins. To sum up, the CCP even in its party constitution, which can be regarded as broader constitutional structures of the PRC (cf. Jiang 2010), claims to represent popular sovereignty.

Current Situation and Sovereignty Configuration

In what follows I argue that the configuration of sovereignty in the China – Hong Kong relationship is manifested in two different yet simultaneously present modes. They are connected with two different scales at which Hong Kong is constituted as a polity and political actor. The first of them is the scale of the autonomous region inside China. The second one is the global scale in which Hong Kong performs and is constituted as a global actor. It should be noted that both these scales are constituted through specific types of connections or disconnections to both the domestic locus of authority and key institutions and norms of international society.

The first mode of sovereignty is connected with Hong Kong’s scaling as an autonomous region of China. In terms of connections to the domestic locus of authority, this mode is underpinned by the dominant official discourse that China’s sovereignty indivisible. From this point of view, the Basic Law of Hong Kong, which serves as a constitution for the city, is recognized as valid and important, but subsumed under the notion of special autonomous region, a term developed in the current Chinese constitution. As such, Hong Kong exists as an autonomous part of China with given space for its own independent actions. In terms of nationalism, Hong Kong is seen from the point of view of the national humiliation discourse as a part of China. It had been taken from China during the century of humiliation and thus needed to be taken back in order to revive China’s nation once again (see above). It is good to note that both the question constitution and nationalism are not purely domestic as practice of both impact on international position of a given actor as well.

Nationalism is also an important institution of international society as captured by e.g. Mayall (1990). What Mayall calls national idea, i.e. congruence between the sovereign state and nation, upholds this mode of sovereignty in the China – Hong Kong relationship. From this point of view, there is no room for Hong Kong as a distinctive national/state representation of China in the international environment. Other important institutions of international society, such as diplomacy and international law, play role in specification of the sovereignty mode as well. Large part of international law as well as a key layer of diplomacy, which is connected with state-state diplomacy and official recognition, give support to the view that Hong Kong is just a part of China as Hong Kong lacks links with these institutions.

Hong Kong’s position as an actor at the global scale (the other mode sovereignty which was mentioned) is connected to the domestic and international sources as well. China’s constitution may be seen as a plural structure which is not limited to the PRC constitution as such but includes, among others, the Basic Law of Hong Kong. In this sense, Hong Kong with its Basics Law is not just a special administrative region, but the Basic Law actually co-constitutes constitutional order of China (cf. Jiang 2010). The basic law also provides a framework for administrative structures which Hong Kong partly inherited from the UK and which give Hong Kong much more effective state structures than many officially/fully recognized states have.

From the point of view of institutions of international society, Hong Kong’s existence as a global actor is supported by international law, diplomacy and global capitalism. Although Hong Kong lacks official diplomatic recognition as mentioned above, practice of international law and diplomacy – both of them being very flexible institutions (cf. Bátora – Hynek 2014) – enables quite easy incorporation of Hong Kong as an international actor. It can be seen in Hong Kong’s participation or membership at different international organizations as an actor separate from China, although the participation is limited to the organizations concerned with economic, trade, cultural or social issues (cf. Tok 2013).

India – Bhutan

In this section, I will start with the introduction of constitutive dynamics which I would like to separate into two parts. The first one is focused on the period of British India while the second one focuses on relations
between India and Bhutan in India’s post-independence period, especially during Jawaharlal Nehru’s rule. The last part of the section will comment on the “special” relationship between India and Bhutan in the present, aiming to identify specific sovereignty characteristics of the relationship

Initial Constitutive Situation – British India and Bhutan

The first important attempt of British India to enforce its influence in Bhutan appears in 1860s. Ashley Eden’s mission to Bhutan in 1863 was initiated with the goal to sign a treaty with Bhutan and to inform Bhutan that Sikkim and Cooch Behar (small states in the same region) are protectorates of British India. It was also aimed to send a clear message to Bhutan that its problematic relations with (especially) Cooch Behar might lead British India to a military action against Bhutan (Phuntsho 2015: 450). The failure of Eden’s mission resulted in a short war between British India and Bhutan, the victory of British India and the so-called Sinchula treaty. Bhutan needed to accept the treaty, the fact that it lost some of its territories to India while it should receive a subsidy in return (practice which continues until today), and especially that British India got some control over relations between Bhutan and British protectorates of Cooch Behar and Sikkim (Aris 1979: 263-269).

After troubled relations between British Indian and Bhutan in the second half of the 19th century which led British India to half-include Bhutan in the zone of its geopolitical control largely (consisting of princely states and/or semi-sovereign polities), the character of the relationship changes at the very beginning of 20th century due to diplomatically friendly and productive cooperation between Brits and the new ruler of Bhutan Ugyen Wangchuk (Kumar 2010: 245). During the same time Ugyen Wangchuk aspired to change the whole political regime in Bhutan and establish hereditary monarchy for which he was seeking support outside Bhutan. British India seemed as a natural ally because of previous cooperation. British India was reluctant to give explicit support at first. However, Ugyen Wangchuk was invited to Calcutta to meet the Prince of Wales in 1906. During the visit, he received the same reverence as rulers of princely states which signaled that he was regarded to be the highest ruler of Bhutan. In 1907, the Governor of India was present at Ugyen Wangchuk’s coronation which was almost explicit recognition of his position as the king of Bhutan. In 1910, the treaty of Punakha was signed between British India and Bhutan. This new treaty increased influence of British India over Bhutan as it explicitly declared that Bhutan would be guided by British India when it comes to its foreign policy. (Karan 1963: 204-205, Labh 1974, Rahul 1980: 525-526).

The changes and events shortly described above meant general reorientation of Bhutan from its previous north orientation to Tibet to a very close link to India. Important general trends which have continued until today have they roots in the mentioned period. India started to pay a subsidy to Bhutan which has been one of the expressions that India helps Bhutan with its state-building and development or gained control over Bhutan’s foreign policy. From the perspective of British India, Bhutan got into the zone of India’s zone of imminent geopolitical interest – the zone which could not be ignored and left without India’s influence – and along with that Bhutan became a part of India’s empire-making. It is not to say that Bhutan became clearly included inside the empire. The question of the inside and outside is much more complicated in the case of British India similarly as in the cases of other empires. However, it is argued that due to the mentioned reasons Bhutan became firmly located at the fringe of the British Indian empire, i.e. in the space composed of princely states, protectorates and other kinds of semi-autonomous polities. The fringe space was largely managed through the mix of negotiations, signing treaties, geopolitical control, military influence and trade relations.

Bhutan got into the zone as it participated in performances typical for the political order (Ugyen Wangchuk treated similarly as Indian princes), it became a part of the geopolitical formation and eventually signed the mentioned Punakha treaty. During a diplomatic trip of the Bhutan’s ruler to India in 1906, he “seems to have happily accepted the role when he was treated like a prince of a British colony” (Phuntsho 2015: 512). For the period of the early 20th century, it can be said that British India’s “general treatment of Bhutan was not very different from Indian princely states” (Phuntsho 2015: 527). Along with that, the link to British India was important for Ugyen Wangchuk as the new king of Tibet because his position of a hereditary monarch was in sharp contrast to the previous political system of Bhutan which was close to the model of Buddhist theocracy in Tibet. In other words, although the new king didn’t intend to redesign Bhutan’s political system and scene from the very scratch and there were some continuities with the previous
system, it is hard to imagine that Tibet could provide support for the new political model. On the other hand, India’s acceptance of a monarch in Bhutan was close to the model of maharajas in other states close to India.

The key issue which should be emphasized is related to Bhutan’s quest for confirmation of itself as a recognized state. Although the story of Bhutanese foreign policy of the early 20th century, which is often mentioned in historic works, is that Bhutan’s ruler Ugyen Wangchuk was seeking confirmation of its independence, recognition or sovereignty (the term which is highly problematic in the concerned context), it is crucial to realize who was recognizing Bhutan’s position. It was imperial British Empire which was confirming position of Bhutan in political affairs and relations. Bhutan’s links with Tibet were diminished. Thus, besides not really assertive claims of China that Bhutan is part of its Sino-centric world, Bhutan’s “international” relations were in fact relations with the British empire. In other words, Bhutan largely missed any links to the global international society, which was in the process of formation at that time (cf. Bull – Watson 1984, Dunne – Reus-Smit 2016), and its rules and principles.

**Constitutive Situation – India after Independence and Bhutan**

It is argued here that India’s state-building in the process of formation of the new independent state was interconnected with its imperial and colonial history. According to Rudolph and Rudolph (2010), India’s state formation as well as the final product was federalist in its character. It evolved as process of negotiation with “internal” units rather than their hierarchic organization from one power center. During the process, there was a need to aggregate potential sovereignties of internal units. It happened through the process of negotiation and sharing. It finally resulted into the reconciliation between the models of the modern sovereign state, the model of *nation* state (which as we know needed to be carefully constructed, cf. Khilnani 1999) with the federal model and fragmentation of the Indian nation.

In some sense, Bhutan and other small states along India’s international borders were offsprings of the process as well. They were states which were nominally independent but shared something of its sovereignty in India. With the still valid geopolitical and security rationale, India kept Bhutan, Nepal and Sikkim in its zone of influence and prevented them to have independent foreign and/or defense policies (Abraham 2014: chap. 4). Specific India’s relationship with each of the smaller states differed to some extent which fits into the process of shared and negotiated state-building as well as it resembled previous relations between British India and these states. In words of one Indian diplomat who commented on these relations and similarity of these relationships in India’s pre-independent and post-independent periods, “why to fix something, if it is not broken”.

During the process of creating independent India, the imperial fringe zone was confronted with the principle of sovereignty stemming from the global international society, the process of decolonization which was getting prominent in the international society and India’s own emphasis on principles of peaceful coexistence (including non-interference into domestic affairs or emphasis on maintain sovereignty). During the very process, Bhutan felt anxieties about its own status. Probably realizing that Bhutan really came to be “semi-included” to the British Indian empire, the then king wanted to meet British diplomats to emphasize that Bhutan has never been part of India. He failed to do so and he was left to deal with the new Indian representatives on his own. Once again, it is also crucial to pay attention to who (which actor) was providing the recognition. And, once again, Bhutan’s recognition largely depended on India. At the time of 1940s, 50s and partly 60s, Bhutan was not able establish any significant links with the global international society. It is very questionable to argue that Bhutan was part of the international society during that time as concrete relations between Bhutan and international society were practically non-existent. It is only in 1960s and especially 1970s that Bhutan started to create such links. For example, it joined Colombo plan in 1962, International Postal Union in 1969 and, as the most important achievement, the UN in 1971. It is only in the 1980s when direct plane flights to other countries were established which allowed Bhutanese physically bypass India when travelling elsewhere.

The key issue for the Indo-Bhutanese relations was agreement about a new bilateral treaty. The treaty was modelled on the previous 1910 treaty and contained many same provisions including the one according to which Bhutan will be guided by India in its foreign policy. Besides that, the treaty creates a basis for very close relations. For example, India has continued to pay a subsidy to Bhutan or there was agreement about
free trade between the two countries. However, when India attempted to register the treaty with the UN, the UN refused to do so as it understood the treaty as unequal, which was mainly due to the provision on foreign policy (Dutt 1981: 604-605). Despite that, the treaty has remained the key formal cornerstone for the India – Bhutan relationship although some changes are made later on. India’s view about Bhutan as a semi-sovereign which is half-Indian were especially strong in the early post-independence period and in the context of China’s expressions of its interests in Bhutan. The prominent representative of the view was Jawaharlal Nehru. In his words, Bhutan was “not a foreign state” and it was only “technically” not included within India (Dutt 1981: 609). In the context of tensions with China in the late 1950s, Nehru repeatedly insisted that it is India that takes care of Bhutan’s foreign relations and defense and that it cannot be bypassed (Choudhary 2005, Kumar 2010).

**Current Sovereignty Configuration in the India – Bhutan Relationship**

Different publications (e.g. Abraham 2014: chap. 4, Michael 2013) as well as interviews with Indian scholars, think tank experts or former diplomats confirm that India’s preoccupations with geopolitics and security when it comes Bhutan continues. Due to that it seems that India is still very much interested in keeping the special relationship with Bhutan. Despite that, there have been changes in the relationship between the two countries as well as in Bhutan’s international position.

The bilateral treaty between India and Bhutan was changed in 2007. The article which gave India control over Bhutan’s foreign policy was left out. International contacts and links of Bhutan with other actors have increased although Bhutan’s actual participation in international relations is still very much limited. My interviews also suggest that practice of India’s control over Bhutan’s foreign policy still persists or, more precisely, that the areas which are key for India are still controlled by New Delhi. There seems to be a trend which divides Bhutan’s foreign policy to those areas which left up to Bhutan to be dealt with and those areas India is crucially interested in and actually controls them. The former category includes Bhutan’s “gross national happiness” diplomacy at the UN or various technical issues. The latter seems to closely related to regional politics and, especially, Bhutan’s relations with China (see also Kumar 2010, Mitra 2013). At the same time, India has been maintaining its (continuously acquired) influence in different matters of Bhutan (ranging from training of bureaucrats to close army to army relations).

**Conclusion**

In the paper, I aimed to analyze constitution of sovereignty in two cases, in the China – Hong Kong relationship and India – Bhutan relationship. It is possible to draw several conclusions with general or theoretical significance. Firstly, the cases I focused on illustrate that sovereignty can be much more flexible than what the traditional conception of the so-called Westphalian sovereignty in IR prescribes as the “true” sovereignty. Secondly, against Stephan Krasner, I contend that it is insufficient to see sovereignty as something that can be simply divided into specific categories and thus sovereignty can be got away with. As the case of Hong Kong demonstrates, the whole conception (model or understanding if you wish) of sovereignty is crucial. The so-called “one country, two systems” as a formula for specifying Hong Kong’s status builds upon several models which highlight that sovereignty can be functionally separated or shared and can be made relative to space. As far as Hong Kong’s status is concerned, all of Krasner’s four analytical categories would be problematic in that case, i.e. Hong Kong would be partly sovereign in all four categories.

Thirdly, the focus on dyadic relations reveals that international boundaries, or – if expressed in more general terms – dividing lines, are not fully sufficient for grasping where sovereignty ends or begins. Although international law and diplomacy officially consider Bhutan as an independent sovereign state, its sovereignty is divided. The case of Hong Kong is even more complicated. Although it is officially part of China, there is a dividing line between China and Hong Kong which exhibits all the characteristics of the modern international boundary. Fourthly, we had a chance to see that the reach of international society is a crucial aspect which influences position of Hong Kong and Bhutan. The level of connection with international society impacted on how Hong Kong and Bhutan as polities or political actors have been
evolving at least from the 19th century. Paradoxically, although the model of the modern sovereign state was used for establishing Bhutan’s position after the WWII, it lacked a clear connection to international society (besides utilization of the model which was becoming dominant in international society of that time) and the connection to the international locus was substituted by connections with India (Bhutan have not become a member of the UN until 1970s and even the mutual treaty between India and Bhutan was prevented to be registered with the UN). On the contrary, Hong Kong has been so closely connected with global affairs, different secondary institutions, myriad of norms and, gradually, with the primary institution of global capitalism. Then, it was the cluster of these institutions and norms which were made crucial during the Sino-British negotiations over Hong Kong and which were agreed to define Hong Kong’s status after return to China.

As indicated, the reach of international society also highly influenced how and at which scales Hong Kong and Bhutan function. Hong Kong is constituted as an actor at the domestic scale (a domestically autonomous actor) but at the same time as a global actor. These two ways of scaling have some tension but both are also solidly set. In some sense, Bhutan’s development is even more interesting as Bhutan foreign policy – which, needless to say, is usually regarded to be one of the key prerogatives of the modern sovereign state – seems to be divided. After 1950s and partly 1960s when India had seemed to firmly hold Bhutan’s foreign policy, Bhutan has found some free space for its own independent foreign policy although the space is quite limited (the issue of gross national happiness and some diplomatic issues of lower concern). Undoubtedly, building Bhutan’s independent diplomacy was facilitated by the fact that the model of modern sovereign state was chosen for Bhutan after the WWII although the realities of the time were more complicated. However, when it comes to regional international politics, India tightly oversee Bhutan’s foreign relations.

Bibliography


Callahan, William (2004): Contingent States: Greater China and Transnational Relations. Minneapolis:
University of Minnesota Press.


