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India as a partner of German foreign policy

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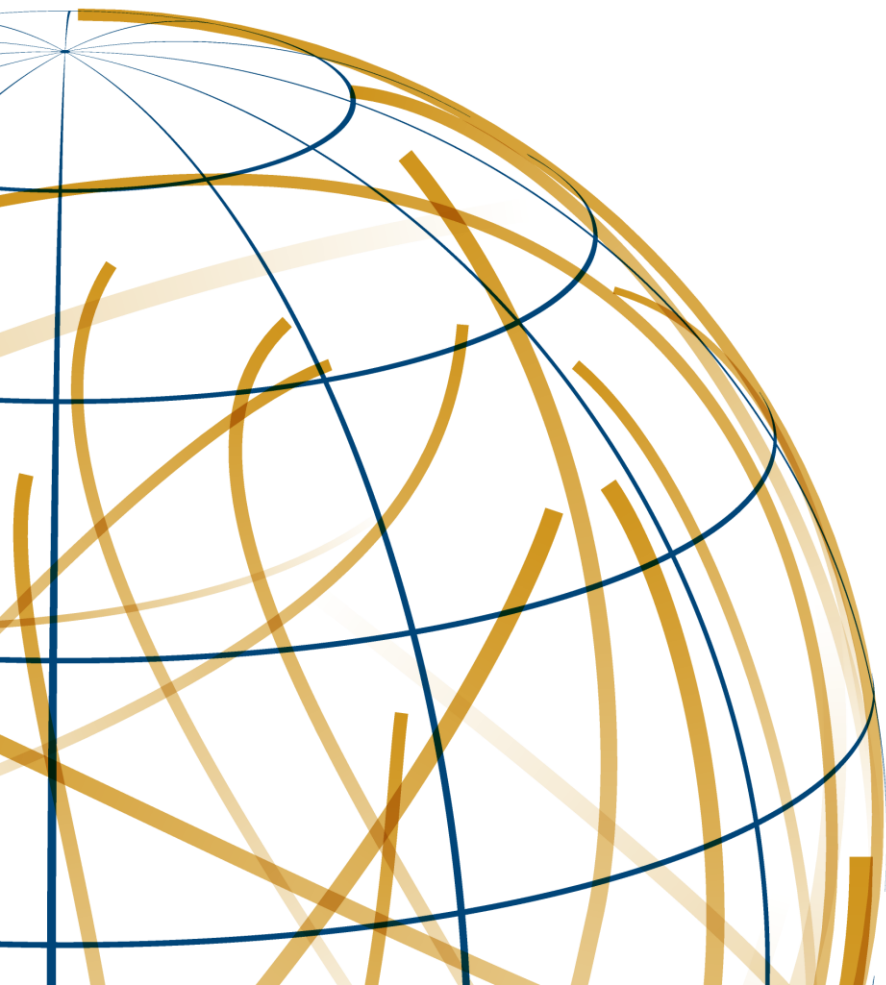


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SWP Research Paper

Christian Wagner (ed.)

India as a Partner of German Foreign Policy



Stiftung Wissenschaft und Politik
German Institute for
International and Security Affairs

SWP Research Paper 17
November 2024, Berlin

- In recent years, the Indian Union has experienced a significant rise in status in German and European foreign policy. This process has been fuelled by India's economic dynamism as the fastest-growing democracy and its geopolitical role as a partner in the Indo-Pacific against China's hegemonic ambitions.
- For Germany, India is an indispensable but difficult partner. The country will maintain its strategic autonomy and use the Sino-American rivalry to further its own geopolitical ambitions. Despite the shared commitment to a rules-based international order, there will continue to be differences in the assessment of geopolitical conflicts, as in the case of Russia's war against Ukraine.
- The agreements on triangular cooperation and on migration and mobility have taken Indo-German relations to a new level. The first joint military exercises in the summer of 2024, which fulfilled India's long-held wish for closer defence cooperation, will help to further deepen bilateral relations.
- As India is becoming increasingly important in German foreign policy, it is necessary to significantly improve expertise on the country's domestic and foreign policy developments in the German academic landscape.

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Christian Wagner

Introduction: India as a Partner of German Foreign Policy

In recent years, the Indian Union has experienced a significant rise in status in German and European foreign policy. This process has been fuelled by India's economic dynamism, but also by the re-evaluation of China in Western countries as a partner, competitor and system rival. India sees itself as the fastest-growing democracy and is currently regarded as one of the main engines of the global economy due to gross domestic product (GDP) growth rates of 6 to 7 per cent. For Western countries, India is seen as an indispensable partner in the geopolitical conflict with China, not least because of its democratic traditions.

India, on the other hand, has considered itself an important player in the international system since its independence in 1947. Foreign policy decision-makers see their country as being on an equal footing with China, as a leading power and pole in a multipolar world, as a representative of the Global South, and as a counterpart to the industrialised nations in global governance forums or in groups such as BRICS and the Shanghai Cooperation Organisation. It is therefore unlikely that India will position itself unilaterally in the conflict between China and the United States. Unlike China or Russia, however, India does not see itself as an "anti-Western" country, but as a "non-Western" one. It intends to remain true to its foreign policy principle of strategic autonomy and utilise the geopolitical moment to further its own ambitions for advancement.

India is a global player by virtue of its size. With one-sixth of the world's population, it is the most populous country and therefore carries great weight in all issues concerning the global environment, energy and climate. India's growing middle class comprises between 10 and 30 per cent of the population, depending on the definition.¹ Because the country

has a young population compared to many G20 countries, the government is hoping for a demographic dividend to arise from the young age structure. For many companies, India is a particularly attractive future market in terms of consumption, services and skilled labour potential. The successes of the Indian IT and software industry, as well as the successful unmanned moon landing in the summer of 2023, are evidence of the country's great technological prowess. India is now the fifth-largest economy and will overtake Germany in a few years.

Today more than ever, new international constellations are enabling India to take on the international role that its founding fathers aspired to. India's rise can be seen, among other things, in the growing number of strategic partnerships with G20 countries. However, its successful ascent will largely depend on whether — and to what extent — the government in New Delhi can push through urgently needed structural reforms.² Despite the growth achieved in recent years, India, with a per capita income of US\$2,485 (2023), only belongs to the group of low-middle-

business/middle-class-nearly-1/3rd-of-indias-population-to-be-2/3rds-by-2047-report/articleshow/95239621.cms (accessed 28 February 2024); "India's Missing Middle Class", *The Economist*, 11 January 2018, <https://www.economist.com/briefing/2018/01/11/indias-missing-middle-class> (accessed 28 February 2024); John Reed, "Gauging India's Middle-class Opportunity", *Financial Times*, 17 May 2023, <https://www.ft.com/content/be53790c-ea16-4e5c-9410-bac189fb26361> (accessed 28 February 2024).

2 Ashley J. Tellis, "Grasping Greatness: Making India a Leading Power", in *Grasping Greatness: Making India a Leading Power*, ed. Ashley J. Tellis, Bibek Debroy and C. Raja Mohan (New Delhi: Penguin Random House, 2022), 3–79; Rajesh Rajagopalan, "Is the Indian State Set Up for Power Maximisation?", *ibid.*, 367–415; Sumit Ganguly and William R. Thompson, *Ascending India and Its State Capacity: Extraction, Violence, and Legitimacy* (New Haven, CT: Yale University Press, 2017).

1 Surojit Gupta, "Nearly 1 in 3 Indians Middle Class, to Double in 25 Years: Report", *The Times of India*, 2 November 2022, <https://timesofindia.indiatimes.com/business/india->

income countries.³ In the recent past, the Modi government has mainly invested in infrastructure. In order to compete with other Asian emerging economies, India must implement reforms, including in the areas of labour legislation, land acquisition and education. In addition, the manufacturing sector must be expanded in order to create urgently needed jobs. Only through such reforms can the demographic dividend be realised and the high GDP growth rates that are expected to make India a developed economy by 2047 – the centenary of its independence – be achieved.

Indo-German relations

India and Germany have traditionally enjoyed a good bilateral relationship. The Federal Republic of Germany and India established diplomatic relations in 1951, and in the mid-1950s development cooperation began, which continues to this day. In 2000, the two countries agreed on a strategic partnership. The inter-governmental consultations that have taken place every two years since 2011 are an expression of the special political relationship.

There is a great deal of convergence between the two countries concerning their support for a rules-based international order. Together with Brazil and Japan, Germany and India are working in the Group of Four (G4) in favour of reforming the United Nations and are striving for a permanent seat on the Security Council.

In its Indo-Pacific Guidelines of autumn 2020, the German government recognised India's new geopolitical importance. The diversification of Germany's relations with the Indo-Pacific countries has also led to a significant intensification of cooperation with India since then, both at the level of heads of government and at the level of ministries. In 2022, the two sides agreed on a partnership for green and sustainable development, a hydrogen partnership and agreements on triangular cooperation, migration and mobility.

Due to its democratic traditions, India is also seen as a "value partner" in Germany and other Western countries. However, the quality of Indian democracy has deteriorated considerably since the Indian People's Party (BJP) won the parliamentary elections and Prime

Minister Narendra Modi took office in 2014. As a result, India has been downgraded in some recognised democracy indices in recent years. The restrictions against civil society also affect a number of German development organisations as well as political foundations and their Indian partner organisations.

In geopolitical terms, there are a number of differences between India and Germany. In line with its concept of strategic autonomy, India's commitment to a rules-based international order has its limits when it involves restrictions on national sovereignty. For example, India has not joined any military alliances and is not a member of the Nuclear Non-Proliferation Treaty or the International Criminal Court.⁴ India's continued close cooperation with Russia, despite its war against Ukraine, emphasises how much importance India places on its strategic autonomy and the differences between the views of India and Germany on geopolitical conflicts.

Germany and the Western countries have accepted India's stance. In response to India's neutral position in the Ukraine war, the United States and the European Union (EU) have launched new formats to strengthen technological cooperation with India, such as the Initiative on Critical and Emerging Technology (iCET) and the Trade and Technology Council (TTC). The aim is to reduce India's dependence on Russia and intensify strategic cooperation with India so that it can act as a counterweight to China.

The common interest of India and the Western countries in countering China's hegemonic and territorial ambitions in the Indo-Pacific has given rise to new minilateral formats. India is part of the Quadrilateral Security Dialogue (Quad) with Australia, Japan and the United States, and it is working with powers such as Japan, France and Australia in new minilateral formats. In the summer of 2024, German units took part in a multinational military manoeuvre in India for the first time. This has opened the door to closer security policy cooperation, which India has long been calling for in the area of defence policy. The economy is at the centre of Indo-German relations. The volume of trade is continuously increasing. Trade in goods grew from €23.3 billion in 2021 to an

3 World Bank, *GDP Per Capita (Current US\$) – India*, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=IN> (accessed 4 September 2024).

4 These differing perspectives also repeatedly burden negotiations in individual policy areas; see the following contributions in the study.

estimated €30 billion in 2023.⁵ However, the volume of trade between Germany and India is only around a tenth of the volume of trade between Germany and China. Many large German companies such as Bosch, Siemens, SAP and others have been doing good business in India for decades. For some time now, the Indian government has also been increasingly focussing on German SMEs as drivers of technological innovation. German companies have further expanded their involvement in India as part of their de-risking strategy. However, India is competing with other emerging economies in East and South East Asia in terms of relocating production capacities from China.⁶ In addition, India itself is dependent on China when it comes to important economic sectors such as telecommunications, pharmaceuticals and steel.⁷

India in the German scientific landscape

Since the 1990s, cooperation in science and research has become an important pillar of bilateral relations.⁸ As a result, numerous higher education institutions, universities and research institutes have launched teaching and research programmes with Indian partner institutions. In 2023, there were a total of 459 university cooperation programmes between German and Indian universities, many of them in the natural sciences and engineering.⁹ The success of these efforts is reflected in the continually growing number of Indian students at German universities. This has more than doubled since 2019 and stood at almost 50,000

in 2023/24, making Indians the largest group of foreign students.¹⁰

India's growing political and economic importance calls for more intensive academic research into current developments in the country. However, a gap is opening up here in the German academic landscape.

For example, Germany remains one of the leading academic locations internationally for the more classically oriented field of Indology. However, the number of professorships in Indology has fallen by around a third in recent years. While there were 19 professorships in Indology in 2001, there were only 11 in 2023.¹¹ The situation with contemporary India and South Asia research has improved somewhat since the 2000s, thanks in part to new institutions at the universities of Hamburg, Göttingen, Bonn and Würzburg.¹² India is also more present today than ever before in the work of large think tanks such as the German Institute for Global and Area Studies (GIGA) and the German Institute for International and Security Affairs (SWP). However, these figures are still low compared to the resources devoted to research on China. In 2018, there were 18 institutes in Germany with a sinological focus with a total of 58 professorships and junior professorships.¹³

¹⁰ See Sunil Dhawan, "Germany Emerges as the Top Choice for Studying Abroad; Nearly 50,000 Indians Enrolled Last Year", *Financial Express*, 18 September 2024, <https://www.financialexpress.com/business/investing-abroad-germany-reports-15-1-increase-in-indian-student-enrollment-in-german-universities-3614635/> (accessed 10 October 2024); Deutscher Akademischer Austauschdienst, "Indian Student Numbers Touch a Record High in Germany", n.d., <https://www.daad.in/en/2023/08/11/indian-student-numbers-touch-a-record-high-in-germany/> (accessed 10 September 2024).

¹¹ See Portal Kleine Fächer, Indologie, <https://www.kleinefaecher.de/kartierung/kleine-faecher-von-a-z/indologie> (accessed 24 October 2023).

¹² On the research landscape until the early 2000s, see Christian Wagner, *Die Bedeutung Südasiens in der Forschungs- und Universitätslandschaft der Bundesrepublik Deutschland: Eine Bestandsaufnahme* (Hamburg: Institut für Asienkunde, 2001).

¹³ Matthias Stepan et al., *Knowing China, Knowing China: Starting Points for the Development of China Expertise in Germany*, *Merics China Monitor* 45/2018 (Berlin: Mercator Institute for China Studies, May 2018), 95, <https://merics.org/sites/default/files/2020-04/China%20Monitor%20China%20kennen%20China%20koennen.pdf>. Professorships with China expertise at other institutes and corresponding specialisations at universities of applied sciences are not yet included.

⁵ Germany Trade and Invest (GTAI), *Wirtschaftsdaten Indien*, May 2024, https://www.gtai.de/resource/blob/14914/3dfe96985014199e6788a147a4584c98/GTAI-Wirtschaftsdaten_Mai_2024_Indien.pdf (accessed 10 September 2024).

⁶ Asia-Pacific Committee of German Business (APA), *India: Forever a Future Market?* (Berlin, June 2022).

⁷ See Anand P. Krishnan, "With or without Chinese Companies Is the Question", *The Hindu*, 9 September 2024, <https://www.thehindu.com/opinion/op-ed/with-or-without-chinese-companies-is-the-question/article68619220.ece> (accessed 9 September 2024).

⁸ Hochschulrektorenkonferenz (HRK), ed., *Deutsch-indische Studien- und Promotionsprogramme: Bestandsaufnahme und Empfehlungen*, Beiträge zur Hochschulpolitik 2/2015 (Bonn, July 2015), 13.

⁹ See HRK, *Internationale Hochschulk Kooperationen*, <https://bit.ly/4ff6teHh> (accessed 9 October 2023). By comparison, there were a total of 1,359 agreements with China.

The structure of the study

This study gives an impression of the work of those SWP researchers who also deal with India in their subject areas. However, the study does not cover the entire spectrum of bilateral Indo-German relations. Key topics such as climate, environmental and energy policy could not be covered due to a lack of human resources.

The contributions are intended to provide deeper insights into the various policy areas. At the same time, the thematic range makes it clear that India is an increasingly important – albeit not always easy – partner in German and European foreign policy.

In his article, Heribert Dieter analyses the negotiations on a free trade agreement between the EU and India. As the leading economic power in Europe, Germany is particularly keen to conclude such an agreement. Although India and the EU share some geopolitical interests, a number of fundamental European positions stand in the way of a successful conclusion to the negotiations.

Hanns Günther Hilpert and Bettina Rudloff analyse the agricultural sector, a central focus of these negotiations. India is one of the global players in this policy area and has repeatedly blocked international agreements in the past. India's decisions also have negative consequences for many countries in the Global South, which runs counter to India's claim of leadership among this group.

David Kipp looks at the migration and mobility agreement signed in 2022. There are great expectations in Germany regarding its implementation as a way of countering the impending shortage of skilled labour.

Pia Fuhrhop deals with a comparatively new policy area in bilateral relations: military and defence co-operation. India has been pushing for closer cooperation in this area for years. The first joint manoeuvres in the summer of 2024 not only underline Germany's growing involvement in the Indo-Pacific, but also herald a new phase in bilateral relations.

Tobias Scholz looks at the opportunities and challenges of Indo-German cooperation in the field of cybersecurity. In this policy area, too, it is clear that India is prioritising its national sovereignty and is therefore closer to autocratic regimes such as Russia and China when it comes to international regulation.

Heribert Dieter

Bleak Prospects for an EU-India Free Trade Agreement

In 2022, the European Union (EU) and India resumed negotiations on a free trade area, which had been put on hold in 2013. At first glance, the current conditions are more favourable for the conclusion of such an agreement. India has moved on from its decades-long protectionist trade policy and has already signed agreements with other players. The EU is trying to expand its economic relations with emerging economies. However, it is failing at maintaining an impossible balancing act: On the one hand, it wants to protect the climate and improve the living conditions of people outside of Europe. On the other hand, potential partner countries, including India, have no interest in the European Commission's trade policy requirements, which they regard as neo-colonial paternalism.

The economic rise of India

India currently has the fifth-largest gross domestic product in the world and could be in third place by 2027. India has been the fastest-growing major economy since 2021. At around 6.5 per cent, its growth rate is more than twice as high as the global average. In the coming years, India could become the most important growth hub of the global economy. Various factors and trends are promoting India's rise: stable demographic development, the successful expansion of infrastructure, but also the geopolitical situation, which favours India. The modernisation of India's infrastructure, which has been pursued vigorously for around a decade, is of great importance. The abundance of construction projects and investments is impressive and can be compared with the Chinese infrastructure campaign of recent decades. One example: India more than doubled the number of airports between 2014 and 2024.

In the coming decades, India, alongside the United States, will be highly attractive both as a sales market

and as a destination for foreign direct investment. It would therefore be important for companies in the EU to liberalise the trade in goods and services between India and the EU by means of a free trade agreement and put it on a sustainable footing. Australia and the countries of the European Free Trade Association (EFTA) have recognised the future importance of India and put their economic relations with the emerging economy on a new footing. Government representatives from India and the EFTA countries of Iceland, Liechtenstein, Norway and Switzerland signed India's first free trade agreement with European partners in March 2024. But why is the Commission finding it so difficult to reach a trade agreement with New Delhi?

The most important reason for the lack of progress in the negotiations is most likely the plethora of side agreements that the Commission wants to conclude. From the perspective of India and many other developing countries, the EU's demands represent a massive intervention in their economic policies.

For exporters of primary products and raw materials as well as for importing companies, the documentation requirements that the European Parliament has adopted in the context of the Corporate Sustainability Due Diligence Directive mean increased bureaucracy and additional costs. India's Foreign Minister, Subrahmanyam Jaishankar, criticises that the agreements with the EU are the most complex in the world because they also have to regulate many non-trade-related issues.¹

From an Indian perspective, the EU is therefore a difficult negotiating partner. This criticism not only applies to the regulation of trade in goods, but also to trade in services. The European Securities and Markets Authority (ESMA) demanded new, far-reaching

1 Nicole Bastian and Dana Heide, "Interview mit Subrahmanyam Jaishankar: 'Das globale Wirtschaftsmodell ist labil und unfair'", *Handelsblatt*, 19 February 2024, 6.

supervisory and auditing powers for Indian business. The Indian central bank categorically rejected these demands because they would have allowed a foreign authority to intervene in India's financial market and given ESMA extraterritorial reach.²

This conflict began two years ago. In October 2022, ESMA announced that it would no longer work with the six most important Indian clearing houses, as the existing agreement with the Indian authorities was inadequate from a European perspective. A clearing house fulfils an intermediary function on the financial markets by standing between two trading parties and protecting the market from contagion effects in the event of a payment default.

ESMA had asked the Indian regulators — the Reserve Bank of India and the Securities and Exchange Board of India — to sign an agreement that would have given ESMA the power to supervise and monitor Indian clearing firms. However, the Indian authorities refused to allow a foreign institution to supervise the Indian clearing firms that handle the entire national cash and derivatives market. Despite massive criticism from the Indian government, ESMA terminated the previous agreement with the Indian authorities on 30 April 2023.

This decision widens the gap between the Indian and European financial markets. The big European banks are the losers of ESMA's policy. Understandably, the Indian government does not want Brussels to dictate how it should regulate its own financial markets. Prime Minister Narendra Modi's government has made it clear that it knows better about how to develop the Indian economy and society.

From the Indian perspective, the EU's concern for the climate and the social well-being of the Indian population is merely an expression of European protectionism.

Advocates of trade conditionalities emphasise that the EU must take responsibility for the people in developing and emerging countries. This requirement is part of a value-based foreign trade policy. What is imported must be produced in compliance with social and ecological standards. The EU member states have thus abandoned a foreign trade policy that primarily pursues economic interests and are accepting eco-

nomic disadvantages, both for their own citizens and for people in developing countries.

Without being asked, the EU is assuming the role of the guardian of human rights and taking responsibility for environmental, social and climate policy in India and other non-European societies. The Indian government is being denied the ability to act in the interests of its own people. Many governments of non-European countries not only see this policy as illegitimate and presumptuous, but also consider it to be immensely damaging to their competitive positions. The result is that the EU is unable to conclude a free trade agreement with either India or the Mercosur countries. Even the planned agreement with Australia failed. The Transatlantic Trade and Investment Partnership (TTIP) agreement had already been shelved in 2016.

The second von der Leyen Commission will presumably continue to pursue the same foreign trade policy path. In her keynote speech on 18 July 2024 in Strasbourg, the Commission President referred to the need for trade agreements, but focussed on their cleanliness aspects: "We will work on new Clean Trade and Investment Partnerships to help secure supply of raw materials, clean energy and clean tech from across the world."³

From the Indian point of view, caring for the climate and the well-being of the Indian population is in fact a poorly disguised expression of European protectionism. The credibility of the Commission's position is weakened by the fact that European countries have already taken comparable protective measures in the past. One prominent example is the EU's agricultural policy, which has excluded competitive non-European producers from European markets for decades.

The country's historical experiences during the colonial era are of particular importance for India. At the beginning of the 18th century, before the introduction of mechanised looms, British textile producers were unable to compete with Indian manufacturers. Britain responded with the Calico Acts of 1701 and 1721, which banned the import of certain textiles from India. The first law on the trade in calico was entitled "An Act for the more effectually employing the

² Matthias Peer, "Finanzaufsicht: Behörden streiten, Banken leiden", *Handelsblatt*, 13 January 2023, 30.

³ Ursula von der Leyen, *Europe's Choice: Political Guidelines for the Next European Commission 2024–2029*, Strasbourg, 18 July 2024, 8, https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en?filename=Political%20Guidelines%202024-2029_EN.pdf.

Poor by encourageing the Manufactures of this Kingdom". A few years earlier, in 1686, France, under Louis XIV, had already banned the import of processed textiles from India.⁴

However, the focus of British protectionism at the beginning of the 18th century was by no means on the poorest. Rather, the processing of wool that was produced in the country itself provided employment for a quarter of a million weavers in Great Britain. In addition, the demand for domestic wool led to high prices for pasture land, which was needed for sheep farming. The landowners were strongly represented in the British Parliament.

Of course, one could argue that the history of European colonial policy no longer plays a role today. However, this would be a bold claim. Shashi Tharoor, a prominent politician from the Congress Party, received a great deal of attention with his book – “An Era of Darkness: The British Empire in India”, which was published in 2016 – and continues to do so today. Foreign Minister Jaishankar never tires of emphasising that the shadows of the colonial era continue to shape Indian politics: “Europe has made us its prey. When you have been subjected to such enormous abuse and have lost your independence, it gives freedom and independence a great emotional value.”⁵

An alternative to the current EU trade policy would be a simplified agreement between the EU and India that is limited to issues relating to trade in goods and services and dispenses with both climate policy and social protection clauses. The EFTA countries have shown what such a deal could look like. The negotiations between the United Kingdom and India are also relatively advanced and have probably stalled mainly because it is unclear how to ensure that Indian employees working in the United Kingdom do not have to contribute to British social security without acquiring pension entitlements.⁶

However, it currently seems unrealistic to expect the Commission to take steps towards such a pragmatic agreement. Nothing less than the EU's entire climate and sustainability policy is at stake. Making an exception to the European rules, for example with regard to climate tariffs, for India would jeopardise the entire system.

The EU cannot pursue its climate protection policy and conclude an agreement with India at the same time.

At first glance, the Commission's insistence on a climate tariff seems plausible. In Europe, manufacturers of aluminium, fertilisers, electricity, hydrogen and steel have to participate in the EU Emissions Trading System and pay considerable amounts for carbon dioxide emissions. The Carbon Border Adjustment Mechanism (CBAM) was developed to prevent products from the rest of the world from being imported into the EU and weakening the competitive positions of European manufacturers. For example, manufacturers of conventionally produced aluminium have to pay an import duty that is high enough to prevent European manufacturers, who produce expensive but clean products, from suffering a competitive disadvantage. However, a side effect of this policy is that it encourages the relocation of industrial production back to Europe.⁷

In India and other countries in South and South East Asia, the EU's policy has been sharply criticised. Piyush Goyal, the Indian Industry Minister, described CBAM as an “ill-conceived” tax. Goyal called the climate tariff an example of “bias, discrimination and injustice”.⁸ In 2022, India sold about a quarter of its exports of steel, iron and cement to the EU. These exports were worth around US\$6 billion.

Indian exporters have to deal with the increasingly complex bureaucratic requirements devised in Brussels. Every delivery of CBAM products worth more than €150 must be reported and will be subject to customs duties starting in January 2026.⁹ The docu-

4 Angus Maddison, *The World Economy: A Millennial Perspective* (Paris: Organisation for Economic Co-operation and Development [OECD], 2001), 85.

5 Jörg Lau and Anna Sauerbrey, “Interview mit Außenminister Jaishankar: ‘Ich bin ein überzeugter Nationalist’”, *Die Zeit*, 22 February 2024, 8.

6 George Parker and John Reed, “UK-India Trade Deal Talks Hit Impasse over Social Security Payments: Trade Secretary ‘Keen to Avoid’ Allowing New Delhi to Claw Back Money Paid by Indian Workers in Britain”, *Financial Times*, 10 February 2024, <https://www.ft.com/content/a0366d72-7aa3-4905-9147-9717e2c6e419>.

7 Alice Hancock and Sylvia Pfeifer, “How Global Trade Could Fragment after the EU's Tax on ‘Dirty’ Imports”, *Financial Times*, 9 January 2024, <https://www.ft.com/content/ca51ebf5-fbb8-4c88-a93d-ded3d6d3bcdd>.

8 Benjamin Parkin, “EU's Carbon Border Tax Plans Trigger Alarm in India”, *Financial Times*, 21 June 2024, 6f., <https://www.ft.com/content/6f324116-2707-440d-8808-c98749f8bc87>.

9 Deutscher Zoll, *CO₂-Grenzausgleichssystem (CBAM)*, <https://www.zoll.de/DE/Fachthemen/Verbote-Beschaenkenungen/>

mentation requirements alone act as a barrier to trade because they incur costs. Whether the importer of a product, for example a tonne of steel, has to pay the duties or not is ultimately of secondary importance: The need to document the carbon-neutral manufacturing process will cost money and make goods produced abroad more expensive.

However, the credibility of the Commission's policy was weakened by the inconsistencies revealed when it reacted to resistance from EU member states. For example, it backed away from its own proposals after European farmers rejected new regulations. In February 2024, Brussels cancelled a target for the reduction of agricultural greenhouse gas emissions following fierce protests in France, Germany, Belgium and Italy. Previously, farmers were expected to reduce emissions of methane, nitrogen and other gases associated with agriculture.¹⁰ From the perspective of non-European partners, the exemptions granted to European farmers are a sign of the contradictory nature of the EU's climate protection policy, which expects agricultural producers in developing countries to take measures to protect the climate – for example through the deforestation directive that will apply from the end of December 2024 – but spares its own farmers.

The EU and India will probably not be able to agree on the conclusion of a comprehensive trade agreement due to structural differences. The expectations of Brussels and New Delhi are too divergent. Whereas the Commission is aiming for “clean” agreements – including comprehensive regulations in the area of social and environmental standards – the Indian government's priority is to liberalise trade in goods and services without far-reaching side agreements. India's agreement with the EFTA countries shows that it is fundamentally possible to reach an understanding with the Modi government. The fact that the Commission has not succeeded in concluding an agreement with the United States, Australia, India or the Mercosur countries raises the question of whether current EU trade policy serves the interests of European citizens and the European economy.

Schutz-der-Umwelt/CO2-Grenzausgleichssystem-CBAM/co2-grenzausgleichssystem-cbam_node.html#doc474352
bodyText2.

10 Alice Hancock, “EU Backs Down on Agricultural Emissions after Farmers' Protests”, *Financial Times*, 5 February 2024, <https://www.ft.com/content/00b344d9-8ff9-4a71-ae31-a76daecb96ab>.

Hanns Günther Hilpert and Bettina Rudloff

India on Its Way to Becoming a Global Agricultural Power: Challenges for the EU and Germany

With the exception of being included in development policy, agriculture has not been the focus of European and German India policy to date. This could change in the future. India's agricultural sector, which is generally associated with technical underdevelopment, feudalistic structures and an inefficient planned economy, has managed to continually expand its production volumes over the years. As a result, India is becoming an increasingly important player on the world's agricultural markets. The potential it offers is good news when considering the global fight against hunger and malnutrition. However, India is implementing a wide range of trade-restrictive measures that not only affect the agricultural exports of its competitors, but can also drive up prices internationally and jeopardise the security of supply in third countries. India is also likely to maintain its conflict-prone positions in the World Trade Organization (WTO). The European Union (EU) and Germany must therefore prepare themselves for a powerful India in the agricultural sector, as it is competing in part for similar markets and, unlike Brazil, for example, is much more interventionist in terms of trade and agricultural policy.

India's agricultural sector and Indian agricultural and trade policy

Although agriculture only accounted for 16 per cent of gross domestic product in India in 2023, around 43 per cent of the country's workforce is still active in the agricultural sector. A good two-thirds of the population still live in rural regions.¹ Although India has extensive fertile farmland, production conditions are often difficult. Harvests are largely dependent on

irrigation from monsoon rains and are increasingly exposed to weather risks, for example, floods and droughts. Water scarcity is a problem, too — partly due to falling groundwater levels and partly due to geopolitical conflicts with China and Pakistan over the regulation of tributaries across the Himalayas.

The total number of farms — some of which are very small — is estimated at between 146 and 155 million (data availability is deficient); the average farm size has fallen to almost one hectare due to the division of the farmland in the case of heritage.² Agricultural productivity levels in India are also low.

Nevertheless, the country has developed into one of the world's most important producers of many agricultural commodities: India is the world leader in the production of milk and butter. Rice production has quadrupled since the 1960s and is only just behind that of China. India has become the third-largest producer of wheat behind China and the EU. India's production success has also led to extensive exports, for example of rice, fish and cotton, even though self-sufficiency remains the primary goal of India's agricultural policy.

Food security as the guiding principle

After centuries of experiencing hunger and malnutrition, India is still at risk of hunger. According to the Food and Agriculture Organization of the United Nations, 16.6 per cent of the Indian population was undernourished in 2023. Although this was a slight improvement compared to the turn of the millenni-

¹ World Bank, *World Development Indicators*, 2024.

² Federal Ministry of Food and Agriculture (BMEL), *Länderbericht Indien* (Berlin, May 2021), 6, https://www.agrarexportfoerderung.de/fileadmin/SITE_MASTER/content/files/Laenderbericht_2021/Laenderbericht_INDIEEN_2021.pdf (accessed 8 August 2024).

um, it was a decline compared to the years before the Covid crisis. Food security is therefore the traditional guiding principle of Indian agricultural policy, enshrined in law in the National Food Security Act, passed in 2013. It stipulates that up to three-quarters of the rural population and half of the urban population are entitled to a minimum supply of grain at heavily subsidised prices. A public intervention system ensures that the staple foods produced are purchased at purchase prices and stored in central warehouses, from where they are distributed to those in need at a reduced price or free of charge. In addition to the minimum prices, agricultural production is supported with subsidies for fertiliser, electricity and seeds.³ This system relieves consumers of the burden, as reflected in the unusually high estimate of +44.2 per cent (2022) by the Organisation for Economic Co-operation and Development for market-related transfers to food consumers – in contrast, the EU negative figure is -2.9 per cent, indicating a burden for the European consumer.⁴

However, this interventionist policy has inhibited productivity growth and also failed to eliminate hunger and malnutrition. The low purchase prices are a disincentive for production, investment and innovation and are a burden for producers. The poor infrastructure and resulting problems with storage, transport, refrigeration, sorting and quality control also result in considerable losses in the supply chains. The system is also criticised for widespread corruption.

Indian food security has great symbolic value for the population and the agricultural sector.

Nevertheless, the supply and purchase guarantees have great symbolic value for the population and the agricultural sector. When a reform initiative to liberalise and deregulate agricultural markets was initiated in 2020/21, farmers reacted with the most violent and prolonged protests in Delhi and north-west India in history. It was feared that the country's agricultural sector would in future be exposed to international competition and the market power of

large agricultural companies, especially as it was also planned to promote contract farming with larger companies. Prime Minister Narendra Modi eventually withdrew the legislative package, as elections were imminent.⁵

Agricultural trade: Increasing world market shares with major protection

India's interventionist agricultural policy, which is aimed at national self-sufficiency, separates the country from developments on the global market: In order to protect domestic production, India must inevitably intervene in foreign trade. Tariffs and tariff quotas protect the domestic market against cheaper or higher-quality agricultural products from abroad. India's average applied agricultural tariffs, which are subject to the Most Favoured Nation principle, are already exceptionally high: In 2023, they amounted to 39.0 per cent (EU: 10.8 per cent). They are allowed to even increase significantly due to India's high WTO-bound agricultural tariffs of 113.1 per cent on average (unlike in the EU, which has a maximum tariff of only 11.3 per cent).⁶ On the export side, frequently used export restrictions are intended to secure the supply of the domestic market.

Despite these interventions, India's agricultural trade has developed dynamically in recent years. Relevant imports for India are vegetable oils, fruit, pulses and nuts. On the export side, India is one of the dominant suppliers of many agricultural and food products, meaning that Indian agricultural and trade policy has international influence: India is the global export leader in spices and rice, with export shares of just over 37 and almost 36 per cent, respectively (2023)⁷; in sugar it is in second place behind Brazil in terms of

3 Ibid., 24–27; OECD, *Agricultural Policies in India*, OECD Food and Agricultural Reviews (Paris: OECD Publishing, 2018), 153–86.

4 OECD, *Agricultural Policy Monitoring and Evaluation 2023: Adapting Agriculture to Climate Change* (Paris: OECD Publishing, 2023), 349, 285, doi: 10.1787/b14en474-en.

5 Florian Wenke, "Indisches Parlament stoppt Liberalisierung des Agrarsektors" (Berlin: Germany Trade and Invest, 23 November 2021), <https://www.gtai.de/de/trade/indien/branchen/indisches-parlament-stoppt-liberalisierung-des-agrarsektors-758726> (accessed 8 August 2024).

6 World Trade Organization (WTO) Tariff Profiles, https://www.wto.org/english/res_e/publications_e/world_tariff_profiles24_e.htm (accessed 15 October 2024).

7 "Top 10 Global Spices Exporters in 2023", *Tendata*, 29 November 2023 (blog), <https://www.tendata.com/blogs/tradedata/5068.html> (accessed 5 September 2024); "Rice Import-Export Trade Statistics of 2023", *TradeImex*, 20 January 2024, <https://www.tradeimex.in/blogs/Rice-Trade-import-export-Statistics-of-2023> (accessed 13 August 2024).

volume (2022/23)⁸; in cotton it is in third place behind China and the United States with a share of 11.4 per cent (2022).⁹ India is the fourth most important exporter of beef (mainly buffalo meat) behind Brazil, Australia and the United States (2023),¹⁰ and it is one of the top five exporters of fish in addition to ranking tenth worldwide for wheat (2022).¹¹

The key destinations for Indian exports are its neighbouring countries in South Asia, countries in the Middle East and South East Asia as well as China, Japan, the United States and the EU. Germany, together with the Netherlands and Italy, is one of its most important European agricultural trading partners.

Conversely, from the EU's perspective, India has so far been of little importance as an agricultural trading partner: Only 0.6 per cent of European agricultural exports go to India, while 2.1 per cent of European agricultural imports come from there (2023). Europe exports vegetable oils, dairy products, fruit, nuts and alcoholic beverages to India. In particular, exports of grains, vegetable oils, vegetables, fruit and nuts have increased recently (2014 – 2022). Europe's most essential imports from India are coffee, tea, cocoa, spices, margarine and vegetable oils, fruit, nuts and cereals.¹²

8 United States Department of Agriculture, *Sugar: World Markets and Trade* (Washington, D.C., May 2024), 1, 8, <https://apps.fas.usda.gov/psdonline/circulars/sugar.pdf> (accessed 13 August 2024).

9 "Cotton", *Observatory of Economic Complexity* (OEC), <https://oec.world/en/profile/hs/cotton> (accessed 13 August 2024).

10 "India Beef Exports Up and U.S. Beef Exports Down in 2023: Market Analysis", *Export Genius*, 14 March 2024, <https://www.exportgenius.in/blog/india-beef-exports-up-and-us-beef-exports-down-in-2023-market-analysis-766.php> (accessed 12 August 2024).

11 "Wheat in India", *OEC*, <https://oec.world/en/profile/bilateral-product/wheat/reporter/ind> (accessed 5 September 2024).

12 European Commission, Directorate-General for Agriculture and Rural Development, *Agri-Food Trade Statistical Factsheet: European Union – India* (Brussels, 19 April 2024), https://agriculture.ec.europa.eu/system/files/2023-05/agrifood-india_en.pdf; Observer Research Foundation and Jacques Delors Institute, *India and the European Union in 2030: Building a Closer Economic Relationship* (New Delhi, June 2023), 93, <https://institutdelors.eu/wp-content/uploads/2023/06/India-and-the-European-Union-in-2030.pdf> (accessed 8 August 2024).

International agricultural policy conflict issues

India is known to be a self-confident negotiating partner that does not shy away from refusing to compromise in conflicts:

- In 2008, the Doha world trade talks failed due to the irreconcilable positions of India and the United States, particularly concerning the agricultural sector: Whereas the United States demanded that developing and emerging countries reduce their sometimes high agricultural tariffs, India insisted on an agricultural safeguard clause that allows a flexible raise in tariffs to protect the market. Up to now, this has mainly been permitted for developed countries in the North as an automatic response to world market prices falling.
- In 2013, India blocked the WTO agreement on trade facilitation and called for a permanent easing of subsidy rules for agricultural reserves. India has so far refused to ratify the WTO agreement on fisheries subsidies adopted in 2022 (Fish I) and is also resisting ongoing negotiations on an amending agreement concerning stricter measures (Fish II).¹³
- India regularly uses the goal of food security to justify measures such as export restrictions and extensive reserves, which entail costs and risks for other countries and are heavily criticised internationally.¹⁴

Frequent export restrictions with supply risks for others

India repeatedly restricts its exports of products that are relevant for global supply security such as rice and wheat. With high world market shares, such a shortage of supply on the global market can drive up prices.¹⁵ In 2022, for example, India restricted its

13 Peter Ungphakorn, "Uncompromising India Steers WTO Fisheries Subsidy talks towards Winter", *trade β blog*, 24 July 2024, <https://tradebetablog.wordpress.com/2024/07/23/wto-fish-talks-heading-winter/> (accessed 25 October 2024).

14 Sanjeev Kumar, "Effect of Trade Negotiations on Food Security in India: A Descriptive Analysis", in *Trade Negotiations under WTO: Issues before Developing World*, ed. idem (New Delhi, 2016), 228, https://www.researchgate.net/publication/369256094_Effect_of_Trade_Negotiations_on_food_Security_in_India-A_Descriptive_Analysis (accessed 9 August 2024).

15 Harold Glenn A. Valera, Ashok K. Mishra, Valerien O. Pede, Takashi Yamano and David Dawe, "Domestic and International Impacts of Rice Export Restrictions: The Recent

wheat exports, citing concerns about supply risks as a result of Russia's war of aggression against Ukraine; as the war had driven up wheat prices anyway, the Indian export restrictions led to a further tightening of the wheat market. The same applies to the restrictions on rice exports in 2023 following the weather-related production losses in Thailand and Vietnam; the global market price of rice rose by an estimated 22 per cent due to India's restrictions,¹⁶ which were sharply criticised internationally.¹⁷

The Indian government justifies its export restrictions with protecting supply security for its own population. Under WTO law, such quantitative export restrictions, which are otherwise prohibited, are permitted precisely for this purpose. However, they may only be applied for a limited period of time and the supply risks of the importing countries concerned must be taken into account. Due to the current global increase in such restrictions since the start of the coronavirus pandemic, the international community has emphasised the importance of open trade and the risks of export restrictions: In June 2022, the 12th WTO Ministerial Conference adopted a "Ministerial Decision on World Food Programme [WFP] Food Purchases Exemption from Export Prohibitions or Restrictions".¹⁸ In May 2022, the G7 countries pledged to refrain from export restrictions and to contribute towards the stabilisation of world markets.¹⁹

In response to international criticism of its export restrictions — and in order to alleviate supply bottle-

necks — India agreed supply contracts with foreign governments (state government-to-government ("G2G") supplies), for example with Senegal, Indonesia and Gambia. Such exclusive agreements also serve geopolitical purposes. However, despite commitments to the contrary, India did not participate in providing rice as general humanitarian aid that was delivered by WFP for countries such as Cameroon, Togo and Algeria.

Extensive reserves with the potential to distort the market

India's extensive state grain stockpile is based on purchases at minimum prices; these stocks are used to supply needy households at a reduced price or free of charge. In 2022, the cost of stockpiling totalled US\$850 million. More than 800 million people received benefits from the system.²⁰ India is one of more than 30 WTO member states that currently have notified such supply reserves to the WTO.²¹

The WTO Agreement on Agriculture of 1994 allows food stocks to support consumers on condition that they are market-neutral, that is, they do not distort trade. According to the logic of the agreement, this means these stocks are designed as a "green box" measure. However, criticism is levelled at the comparatively very extensive reserves in India in particular, which are built up via minimum prices and thus subsidies. If these distort the market, they should be limited in accordance with the WTO regulations for "yellow box" measures.²²

These current regulations for agricultural subsidies in general are criticised by numerous countries of the Global South, including India, for favouring the rich countries. One bone of contention is the upper limits

Case of Indian Non-Basmati Rice", *Global Food Security* 41 (2024), article 100754, doi: 10.1016/j.gfs.2024.100754.

16 Joseph Glauber and Abdullah Mamun, "India's Export Restrictions on Rice Continue to Disrupt Global Markets, Supplies, and Prices", IFPRI Blog (Washington, D.C.: International Food Policy Research Institute, 7 February 2024), <https://www.ifpri.org/blog/indias-export-restrictions-rice-continue-disrupt-global-markets-supplies-and-prices/> (accessed 9 August 2024).

17 Shruti Menon, "India Wheat Export Ban: Why It Matters to the World", *BBC News*, 6 June 2022, <https://www.bbc.com/news/world-asia-india-61590756> (accessed 9 August 2024).

18 WTO, *Ministerial Decision on World Food Programme Food Purchases Exemption from Export Prohibitions or Restrictions* (Washington, D.C., 22 June 2022), <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN22/29.pdf&Open=True> (accessed 9 August 2024).

19 G7, *Pathways Towards Sustainable Food Systems in Times of Crises* (Berlin, 14 May 2022), <https://www.g7germany.de/resource/blob/997532/2040144/8bd6097641a2c66114d95a2615c4d01d/2022-05-16-g7-agrarminister-eng-data.pdf?download=1> (accessed 25 October 2024).

20 Reetika Khera, "Expand the Food Safety Net without Any More Delay", *The Hindu*, 10 December 2022, <https://www.thehindu.com/opinion/lead/expand-the-food-safety-net-without-any-more-delay/article66244093.ece> (accessed 9 August 2024).

21 Joe Glauber and Tanvi Sinha, *Procuring Food Stocks under World Trade Organisation Farm Subsidy Rules: Finding a Permanent Solution*, IISD Report (Winnipeg, Canada: International Institute for Sustainable Development, August 2021), 15, <https://www.iisd.org/publications/food-procurement-under-wto-farm-subsidy-rules> (accessed 9 August 2024).

22 Calvin Manduna and Sophia Murphy, *Public Stocks at the WTO: Making Sense of Food Security and Agriculture Negotiations at MC13* (Minneapolis, MN: Institute for Agriculture and Trade Policy, February 2024), <https://www.iatp.org/public-stocks-wto> (accessed 9 August 2024).

for subsidies, which are defined in the same “yellow box”: The underlying price level has not been adjusted since the Agreement on Agriculture was signed. Because prices have risen in the meantime, subsidies for producers are now reaching the upper limits much more quickly, which also restricts India’s room for manoeuvre to introduce new subsidies. The long-simmering conflict on subsidy regulations at the WTO level in general escalated during the 9th Ministerial Conference in Bali in 2013, when India blocked the agreement on trade facilitation after its adoption, forcing a general concession on its subsidies for food stockpiles. This “Bali interim solution” was supposed to be transformed into a permanent solution within two years, but it has since been maintained as the conflict remains unresolved.²³

Agriculture in the negotiations on a bilateral trade agreement

India and the EU have been renegotiating a free trade agreement since mid-2022, following a first failed attempt in 2013 that had lasted seven years. The new negotiations cover the areas of trade, investment protection and geographical indications (GIs). Agriculture plays a key role in both trade and GIs.²⁴

A bilateral trade agreement can expand agricultural trade and thus increase welfare.

Due to the current high level of border protection due to tariffs, particularly on the Indian side, there is a good chance that a trade agreement can expand trade and thus increase welfare. Beyond the direct trade measures regulated in the agreement, such as the reduction of tariffs, India could also benefit in general terms of development and structural advan-

tages, namely as a result of technical and commercial cooperation as well as European investment in agriculture and the food industry.²⁵ However, as competition intensifies, there will also be losers, which could provoke resistance from affected interest groups on both the Indian and European sides.

With regard to the central issue of every trade agreement – market access – external protection must be reduced more on the Indian side than on the EU side; the reason for this is India’s higher tariffs. Poultry and dairy products are particularly sensitive items for India, therefore no agreement could be reached during the bilateral negotiations from 2007 to 2013. India justified import bans on numerous poultry products on the grounds of protection against avian influenza; a WTO complaint brought against the country by the United States in 2012 was finally won in 2024. As a result, India should open up its market.²⁶ India’s milk production is geared towards the domestic market and is small-scale; productivity is lower than that of European milk producers. It seems politically difficult to imagine India’s market protection being removed by opening up the market.

Additional market access barriers arise from the envisaged health protection measures, which is politically a highly sensitive issue, especially on the EU side for all of its trade negotiations. A number of sanitary and phytosanitary (SPS) measures are considered difficult to comply with – such as the EU rules on importing rice, cotton, fruit and vegetables – from an Indian perspective, and the Indian rules for importing wine, spirits and dairy products from an EU perspective.²⁷ In the negotiations, both sides will have to agree on adjustments to eliminate, or at least reduce, discriminatory elements of the SPS measures, but without jeopardising the health protection goal: Between 2020 and 2023 alone, there were more than

23 Amrita Narlikar and Diana Tussie, “Breakthrough at Bali? Explanations, Aftermath, Implications”, *International Negotiation* 21, no. 2 (2016): 209–32, https://brill.com/view/journals/iner/21/2/article-p209_2.xml; Bettina Rudloff, *Trade Rules and Food Security: Scope for Domestic Support and Food Stocks* (Bonn: Deutsche Gesellschaft für Internationale Zusammenarbeit [GIZ], September 2015).

24 Hanns Günther Hilpert, Bettina Rudloff and Christian Wagner, *Negotiations on a Free Trade Agreement between India and the EU: Ambitions, Expectations, Obstacles, and Incentives*, SWP Comment 11/2023 (Berlin: Stiftung Wissenschaft und Politik, February 2023), doi: 10.18449/2023C11.

25 Agriculture has traditionally been a focus of German and European development cooperation with India. For example, the Indo-German agricultural dialogue provides for support for better market structures, such as in the Indo-German cooperation project for the development of the agricultural market of the BMEL, <https://www.bmel.de/SharedDocs/Praxisbericht/DE/BKP/Indien.html> (accessed 11 October 2024).

26 WTO, *India – Agricultural Products (DS430)*, WTO Dispute Settlement: One-Page Case Summaries (Washington, D.C., n.d.), https://www.wto.org/english/tratop_e/dispu_e/cases_e/1pagesum_e/ds430sum_e.pdf (accessed 9 May 2024).

27 Kumar Chandan and Bharti Nalin, “Indo-EU Agricultural Trade: Trade Restrictions and SPS Measures”, *Óbuda University e-Bulletin* 8, no. 1 (2018): 13–23 (16–20).

972 notifications for the highest risk observed in the EU's alert system about residues in food products imported from India. This is 10 per cent of all notifications on all origins and a disproportionately high number compared to other countries in relation to trade flows.²⁸ It shows that closer cooperation is needed and that India should receive support in order to help it comply with the SPS measures. For example, improved laboratory controls or investments in hygiene are conceivable and can be offered by the EU in the negotiations.

GIs can make it possible to assert one's own agricultural interests beyond politically sensitive market access by protecting selected quality products. After six rounds, negotiations on this topic are now relatively advanced, for example on the implementation and control regime. Protection is initially to be granted for a total of 200 GIs. This is a common starting number in EU negotiations, which can then be gradually increased — for example to 375 GIs in the EU-Japan agreement. This “living” approach offers scope for expansion even after the negotiations have been concluded, meaning that non-agricultural products desired by India, such as handicraft products, could also be included in the future.

The topic of sustainability in the context of agriculture has found its way into the negotiations on the trade agreement, at the initiative of the EU, which includes a chapter on “Sustainable food systems”. This chapter is contained in all new EU trade agreements. However, unlike the usual sector-wide “trade and sustainability development” (TSD) chapters, which increasingly demand binding and sanctionable duties, this non-binding chapter only promotes bilateral thematic exchange. It will likely be very difficult to formulate a binding TSD chapter with India anyway, or it might require even more far-reaching offers of support than those currently being made to the Mercosur region with regard to TSD obligations. The EU already anyhow requires compliance with certain sustainability criteria for agricultural imports (due diligence obligations, deforestation-free value chains) to be applied by each trade partner, regardless of ongoing trade policy negotiations.

India generally emphasises its sovereignty in sustainability issues and prioritises its internal security of supply, which could possibly stand in the way of sustainable production. If the Indian population —

and thus the demand for food — continues to grow, the intensity of land use and over-fertilisation, for example, could increase; and if land use expands, India would run the risk of losing biodiversity.

Conclusion: EU compromises are necessary

India is a self-confident player that uncompromisingly pursues its own agricultural interests. However, it is also an attractive market, an interesting supplier region and an indispensable cooperation partner for the EU and Germany. India's growing production and trade potential in particular makes it necessary to take this major agricultural player seriously and prepare for the fact that its influence on the world market and the security of global supply will (continue to) increase. The negotiations on a trade agreement offer the EU and India an opportunity to come closer together and resolve conflicts, and if necessary to explore compensation in other policy areas. Germany and Europe should offer India more technical cooperation so that it can increase its productivity and yields and still be sustainable. At the same time, India, which sees itself as a leading nation in the Global South, should be reminded that — despite prioritising its own supply security — it also bears responsibility for the food security of low-income countries in need of cheap food imports or of food aid that is based on available global supplies.

²⁸ European Commission, *Rapid Alert System for Food and Feed (RASFF) Window*, <https://bit.ly/4gkOVff> (accessed 9 August 2024).

Pia Fuhrhop

Defence Cooperation with India: Opportunities and Challenges

India is an especially significant actor in the international defence market. The country's armed forces will require a great deal of modernisation in the foreseeable future. Since 2014, the government in New Delhi has been carrying out structural reforms of the armed forces. It has also expressed its ambition to significantly indigenise defence production. However, India's military remains heavily dependent on imports. Given the size of its armed forces, these orders are often very large. Estimates put the likely cost of current modernisation programmes at as much as US\$200 billion over the next 10 years.¹ India's security policy is focussed on the dangers posed by China's presence in South Asia and its occasionally heated border disputes with the country. India's ongoing conflict with Pakistan also plays a key role.

Against this backdrop, there is intense competition among foreign companies and partner states for Indian defence contracts. According to the Swedish International Peace Research Institute (SIPRI), the country has been the world's largest arms importer since the early 1990s. From 2018 to 2022, 11 per cent of global arms exports went to India.² Although India's own arms exports have also risen considerably recently, these started from a low level and have mostly concentrated on customers in South Asia.³

Window of opportunity: India's dependence on Russia

Not only does India need to modernise its military, it is also looking to reduce its heavy reliance on Russian military equipment. These two factors provide Germany with a window of opportunity for cooperation in the years to come.

Since the Cold War, Moscow and New Delhi have enjoyed a close military and defence-industrial partnership. Since 2010, more than 60 per cent of all Indian defence imports have come from Russia, and India is the country's most important market, accounting for more than 30 per cent of Russian exports.⁴ Up to 80 per cent of India's military stocks come from Russia. The dependence is particularly pronounced for land forces, for which an estimated 90 per cent of equipment is of Russian origin.⁵

However, Russian arms transfers to India had already declined significantly before 2022, the year of the invasion of Ukraine. Although they still accounted for 76 per cent of all imports from 2009 to 2013, in the period between 2019 and 2023, this figure was only 36 per cent.⁶ Some argue that this trend will in-

arms-exporter-nations-economic-survey/article68433092.ece (accessed 28 August 2024).

4 Andrew S. Bowen, *Russian Arms Sales and Defence Industry*, CRS Report (Washington, D.C.: CRS, 2021), 19, <https://crsreports.congress.gov/product/pdf/R/R46937> (accessed 10 October 2024).

5 Christophe Jaffrelot and Aadil Sud, *Indian Military Dependence on Russia*, Expressions (Paris: Institut Montaigne, 2022), <https://www.institutmontaigne.org/en/expressions/indian-military-dependence-russia> (accessed 11 September 2024).

6 "Geopolitical Shifts: India Reduces Dependence on Russian Arms amid Tension with China and Pakistan", *Times of India*, 12 March 2024, <https://timesofindia.indiatimes.com/india/geopolitical-shifts-india-reduces-dependence-on-russian-arms-amid-tensions-with-china-pakistan/articleshow/108378688.cms> (accessed 10 September 2024).

1 K. Alan Kronstadt, *India-U.S.: Major Arms Transfers and Military Exercises*, In Focus (Washington, D.C.: Congressional Research Service [CRS], 30 May 2024), <https://crsreports.congress.gov/product/details?prodcode=IF12438> (accessed 28 August 2024).

2 Pieter D. Wezeman, Katarina Djokic, Mathew George, Zain Hussain and Siemon T. Wezeman, *Trends in International Arms Transfers, 2023*, SIPRI Factsheet (Solna: Stockholm International Peace Research Institute, March 2024), 9, doi: 10.55163/PBRP4239.

3 "India Now among Top 25 Arms Exporter Nations: Economic Survey", *The Hindu*, 22 July 2024, <https://www.thehindu.com/business/budget/india-now-among-top-25->

tensify for a number of reasons. Russian weapons initially underperformed in the war against Ukraine. Doubts also remain about Russia's reliability as a supplier, as Moscow has to devote much of its defence production to the war of attrition against Ukraine. The Indian Air Force has reportedly cut its planned spending for 2024 by a third due to Moscow's inability to meet its delivery commitments.⁷ A litmus test for Russian-Indian defence relations is the implementation of a military-technical framework agreement that was concluded in 2021. After initial delays, the planned production of Russian assault rifles in India has begun.⁸ However, the delivery of Russian S-400 air defence systems has been delayed by two years.⁹

**India seeks strategic autonomy.
It wants to avoid new strategic,
defence-industrial dependencies on
Western countries.**

In addition, in the medium term, Western sanctions could slow down Russian defence production, which is dependent on Western machines, components and chips. Specific US sanctions also make it more difficult to conduct arms deals.¹⁰

India as a new partner in German defence policy

When it comes to expanding defence cooperation with India, Germany is a latecomer among Western countries. For a long time, Germany pursued a cautious arms export policy and was sceptical about sharing technology with India. Apart from submarines, Germany has mainly supplied components for ships and armoured vehicles. However, in competition with the United States and France, Germany has been unable to win major contracts. Especially from the Indian perspective, bilateral defence cooperation – based on a cooperation agreement since 2006 and an implementation agreement since 2019 – has fallen short of expectations.¹¹ In contrast, other Western countries, particularly France, the United States and Israel, have successfully expanded their cooperation with India in this field.¹²

Since the start of Russia's war against Ukraine, there has been a clear shift in Germany's arms export policy towards India, as Berlin is now willing to accommodate New Delhi's desire for greater defence cooperation. The government is supporting India's industry through instruments such as diplomatic talks, military exercises and security dialogue.¹³

This change in policy is predicated on the notion that, in the context of global systemic competition, military cooperation matters just as much as economic cooperation. Defence cooperation serves as a signal to Russia and China, and it reaffirms Germany's interest in maintaining the rules-based international order. In this respect, freeing India from its military dependence on Russia and positioning Germany as a reliable partner in the Indo-Pacific are the guiding principles of Berlin's current policy.¹⁴

7 See Jaffrelet and Sud, *Indian Military Dependence on Russia* (see note 5); Max Bergmann, Maria Snegovaya, Tina Dolbaia and Nick Fenton, *Seller's Remorse: The Challenges Facing Russia's Arms Exports* (Washington, D.C.: Center for Strategic and International Studies, 18 September 2023), 19ff., <https://www.csis.org/analysis/sellers-remorse-challenges-facing-russias-arms-exports> (accessed 10 October 2024).

8 Dinakar Peri, "Indo-Russian Joint Venture Handed over 27,000 Ak-203 Assault Rifles to Indian Army", *The Hindu*, 28 May 2024, <https://www.thehindu.com/news/national/indo-russian-joint-venture-handed-over-27000-ak-203-assault-rifles-to-indian-army/article68193891.ece> (accessed 11 September 2024).

9 Yurii Poita, *Up in Arms: Is Russia Losing the Indian Arms Market?* Expressions (Paris: Institut Montaigne, 2022), <https://www.institutmontaigne.org/en/expressions/arms-russia-losing-indian-arms-market> (accessed 28 July 2024).

10 Anchal Vohra, "India Looks beyond Russia for Defense Imports", *Politico*, 25 April 2024, <https://www.politico.eu/article/india-defense-imports-russia-exports-trade-weapons> (accessed 24 July 2024).

11 Rajendra K. Jain, *India and Germany in a Turbulent World: Perceptions, Perspectives, Prospects* (New Delhi, 2023), 229–57.

12 Sanjib Kr Baruah, "India Still World's Top Weapons Buyer, Rafale Makes France Second Biggest Seller", *The Week*, 11 March 2024, <https://www.theweek.in/news/india/2024/03/11/india-still-worlds-top-weapons-buyer-rafale-makes-france-second-biggest-seller.html> (accessed 10 October 2024).

13 Adrian Haack, *Indien und die "Russian Arms Question"*, Länderberichte (Berlin: Konrad-Adenauer-Stiftung, May 2023), 2f., <https://www.kas.de/de/laenderberichte/detail/-/content/indien-und-die-russian-arms-question> (accessed 10 October 2024); Bergmann, Snegovaya, Dolbaia and Fenton, *Seller's Remorse* (see note 7).

14 "Pistorius auf der MSC 24: 'Für das einstehen, woran wir glauben'" (Rede auf der Münchner Sicherheitskonferenz), 17

Recently, defence deals have also been part of the high-level diplomacy at the bilateral level. During his visit to India in February 2023, Chancellor Olaf Scholz was already suggesting the prospect of further co-operation in this area. When Defence Minister Boris Pistorius visited New Delhi in June 2023, a memorandum of understanding was signed between German and Indian companies for the construction of six submarines.¹⁵

Practical security cooperation has also been stepped up. In June 2024, for example, the Indian Chief of the Air Staff visited the Berlin Air Show, where he was shown the latest generation of the Eurofighter fighter jet. Shortly afterwards, in August 2024, the German Air Force trained with India for the first time in a joint manoeuvre. The two countries' navies also held a joint exercise.

Whether the potential of Indo-German defence cooperation can be realised depends on several factors: the importance of Russia as an arms supplier to India in the medium term, New Delhi's desire for sovereignty in defence procurement and the development of trust in Germany as an exporter.

Russia's lasting footprint

Russia will likely remain an important player in defence cooperation with India, as defence deals also entail follow-up business for spare parts and updates. Breaking with Moscow would pose major problems for the Indian armed forces' ability to operate.¹⁶ Fur-

thermore, Russia is prepared to meet India's procurement needs. Moscow has also been more willing than others to share sensitive technology with India and allow co-production of defence equipment. Last but not least, traditionally lower unit prices have been a compelling argument in favour of purchasing Russian weapons. Equally important from New Delhi's point of view is the fact that India has so far not had to fear Russian sanctions and has been able to draw on generous loans from Moscow.¹⁷ Both sides have recently agreed to expand the production of spare parts in India and to jointly develop weapons systems.¹⁸ From an Indian perspective, cooperation with Moscow also provides a counterweight to Beijing. The government in New Delhi is bound to worry about the growing ties between Russia, India's main defence supplier, and China, its main rival.

India's ambitions for defence independence

Future defence cooperation with India will also depend on the country's ability to develop its own competitive defence industry. A number of reforms have been initiated to this end. Government funding initiatives aim to encourage private-sector participation in the defence sector. In addition, there is an ongoing effort to gradually shift weapons production to India. The Indian government has identified some 5,000 items of defence equipment that will be subject to partial or total import bans after a certain period of time.¹⁹

India's industry — lacking funds for research and development and the ability to innovate — is still dependent on foreign know-how and technology. For this reason, joint ventures with international partners will be encouraged in which at least 50 per cent of production takes place domestically. Transfer of technology and design will also be an objective in some cases. Indian companies will be able to draw on Western expertise to build complex weapons systems. This

February 2024, <https://www.bmvg.de/de/aktuelles/impuls-vortrag-pistorius-msc-24-5744960> (accessed 10 October 2024); "Deutschland offen für Waffenlieferungen an Indien", *Deutsche Welle*, 5 June 2023, <https://www.dw.com/de/deutschland-offen-f%C3%BCr-waffenlieferungen-an-indien/a-65831339> (accessed 10 October 2024).

¹⁵ Thyssenkrupp Marine Systems, "thyssenkrupp Marine Systems und Mazagon Dock Shipbuilders Limited erklären Absicht zum Bau von U-Booten für und in Indien", press release, 7 June 2023, <https://www.thyssenkrupp.com/de/newsroom/pressemitteilungen/pressemitteilung/thyssenkrupp-marine-systems-und-mazagon-dock-shipbuilders-limited-erklaeren-absicht-zum-bau-von-u-booten-fur-und-in-indien-224985> (accessed 10 October 2024).

¹⁶ Vasabjit Banerjee and Benjamin Tkach, "After Ukraine, Where Will India Buy Its Weapons?", *War on the Rocks*, 12 April 2022 (Commentary), <https://warontherocks.com/2022/04/after-ukraine-where-will-india-buy-its-weapons/> (accessed 28 August 2024).

¹⁷ Jaffrelot and Sud, *Indian Military Dependence on Russia* (see note 5).

¹⁸ Ministry of External Affairs, "Joint Statement Following the 22nd India-Russia Annual Summit", 9 July 2024, <https://www.mea.gov.in/bilateral-documents.htm?dtl/37940/Joint+Statement+following+the+22nd+IndiaRussia+Annual+Summit/> (accessed 10 October 2024).

¹⁹ Ministry of Defence, "Opportunities for Make in India Defence", <https://srijandefence.gov.in/> (accessed 15 October 2024).

technical expertise is as important as capital. After a period of transition, India's aim is to be in a position to do its own development and production of the next generation of weapons systems.²⁰ In the medium term, this will open up attractive opportunities for cooperation with Western countries and companies. However, it is an open question whether and when India will succeed in making the leap to independence, and not just because of its high national debt.

Building trust for the long haul

Successful defence cooperation can contribute to confidence-building and mutual understanding between Germany and India, even on issues where the two countries have not been on the same page politically. There are, however, a number of hurdles to overcome.

Germany wants to use arms exports to reduce Russia's influence on India's security policy. Since Germany's share of the Indian market is too small for such an endeavour, the German government can only succeed by joining forces with Western partners. Like Germany, India is committed to the principles of a rules-based international order. However, it is also affected by the growing tensions between the United States and China. In this geopolitical situation, however, New Delhi's search for partners is about the realisation of its own ambitions for greater strategic independence.²¹

With this in mind, the first step is to build trust and discuss mutual expectations of the cooperation. This is true of India's desire for technology transfer and a reliable Berlin supply policy, as well as Germany's hopes for cooperation in the Indo-Pacific region and India's contribution towards the end of the war in Ukraine.

Another challenge will be to consolidate the first steps taken by Berlin. The German government's

policy to date has been to promote German exports. It remains to be seen whether, in the long term, it really wants India to evolve from a customer to a partner with whom defence projects are jointly planned and implemented.²² German arms exports are seen by Indian players as unpredictable due to lengthy approval procedures. However, Berlin has recently approved deliveries for projects that are of key importance to India. These include components and engines for India's new main battle tank.²³ Since 2024, India has been one of the preferred countries for the export of certain naval equipment. However, it has not yet been placed on an equal footing with preferred defence partners such as EU member states or countries in the North Atlantic Treaty Organization alliance.

At the same time, there is mistrust of India in the West. Western suppliers are reluctant to transfer sensitive technology to India in view of New Delhi's strategy of arms procurement from a variety of sources.

Confidence-building measures and the alignment of mutual expectations alone will not be able to overcome the partial divergence of interests between the two partners. However, such steps can help to make cooperation more resilient and to identify common interests.

20 Laxman Kumar Behera, *India's Defence Industry: Achievements and Challenges*, Issue Brief (New Delhi: Observer Research Foundation, 6 May 2024), <https://www.orfonline.org/research/india-s-defence-industry-achievements-and-challenges> (accessed 23 August 2024).

21 Christian Wagner, "Indien: Großmachtambitionen und Mittelmachtressourcen", in *Mittlere Mächte – einflussreiche Akteure in der internationalen Politik*, ed. Barbara Lippert and Stefan Mair, SWP-Studie 1/2024 (Berlin: Stiftung Wissenschaft und Politik, January 2024), 33–36, doi: 10.18449/2024S01.

22 Rajat Pandit, "Clear Political Will in Berlin Now to Boost Defence Ties: German Envoy", *Times of India*, 4 March 2024, <https://timesofindia.indiatimes.com/india/clear-political-will-in-berlin-now-to-boost-defence-ties-with-india-german-envoy/articleshow/108186121.cms> (accessed 23 August 2024).

23 "Export deutscher Motoren für indische Kampfpanzer genehmigt", *Handelsblatt*, 13 September 2023, <https://www.handelsblatt.com/politik/deutschland/ruestungsexporte-export-deutscher-motoren-fuer-indische-kampfpanzer-genehmigt/29388932.html> (accessed 23 September 2024).

David Kipp

The Indo-German Migration and Mobility Partnership Agreement: Progress and Challenges*

During the German-Indian Intergovernmental Consultations in Berlin in May 2022, migration emerged as a new policy area that had previously not been a focus of Indo-German cooperation. German Chancellor Olaf Scholz and Indian Prime Minister Narendra Modi negotiated a bilateral Migration and Mobility Partnership Agreement (MMPA).¹ It aims to harness the potential of labour migration from India to Germany for mutual benefit, and at the same time improve cooperation in the readmission of Indian citizens.

Objectives of the Migration and Mobility Partnership Agreement

The signing of the MMPA was preceded by several years of negotiations before becoming the first migration agreement concluded by the then still new German federal government. It was to be followed by others.² It is designed as a comprehensive migration agreement that should promote the mobility of Indian students, trainees and skilled workers as well

as improve readmission cooperation.³ India showed itself to be most interested in improving and speeding up visa procedures for migration to Germany.⁴ The MMPA only contains declarations of intent but no new legal commitments, as this would contradict the logic of the legal framework for the immigration of skilled workers, which is geared towards self-organised migration and was further liberalised in 2023. Only the legally non-binding goal of bringing at least 3,000 young professionals from India to Germany each year was agreed.⁵

Indian migration drivers and trends

A decisive factor for migration in India are the persistent problems on the labour market, where almost 90 per cent of workers are informally employed.⁶ A large proportion of the population is

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1 “Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of India on a Comprehensive Migration and Mobility Partnership”, *Bundesgesetzblatt*, (2023), Part II, no. 128, 5 May 2023, https://www.recht.bund.de/bgb/2/2023/128/regelungstext.pdf?__blob=publicationFile&v=2 (accessed 10 October 2024).

2 Nadine Biehler, David Kipp and Anne Koch, *The Potential of Bilateral Migration Agreements: From Symbolic Politics to Practical Implementation*, SWP Comment 2024/C47 (Berlin: Stiftung Wissenschaft und Politik, October 2024), doi: 10.18449/2024C47.

3 Federal Ministry of the Interior and Community, “Deutsch-indisches Migrationsabkommen unterzeichnet”, press release, Berlin, 5 December 2022, <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2022/12/abkommen-indien.html> (accessed 16 September 2024).

4 Ministry of External Affairs, Government of India, “Visit of Federal Minister for Foreign Affairs of the Federal Republic of Germany to India (December 05 – 06, 2022)”, press release, New Delhi, 5 December 2022, https://www.mea.gov.in/press-releases.htm?dtl/35947/Visit_of_Federal_Minister_for_Foreign_Affairs_of_the_Federal_Republic_of_Germany_to_India_December_0506_2022 (accessed 16 September 2024).

5 “Abkommen zwischen der Regierung der Bundesrepublik Deutschland und der Regierung der Republik Indien über eine umfassende Migrations- und Mobilitätspartnerschaft” (see note 1), 8f.

6 International Labour Organization, *India Employment Report 2024, Youth Employment, Education and Skills*, Geneva, 29 March 2024, <https://www.ilo.org/publications/india->

dependent on very low-paid casual labour. Employment opportunities vary from region to region and are therefore a driver of extensive migration within the country. Moreover, 10 million new workers enter the labour market every year, which it will not be able to absorb in the foreseeable future.⁷ In addition to people with little formal education, this also involves people from the middle class with university degrees.⁸

With 18.7 million people, India has the world's largest diaspora.

The great willingness of Indians to emigrate, which stems more from individual decision-making than a state-led emigration policy, needs to be understood against this backdrop. With 18.7 million people, India now has the world's largest diaspora, which remitted a total of US\$120 billion in 2023. The volume of remittances has more than doubled since 2010 and is now equivalent to 3.3 per cent of India's gross domestic product.⁹ The main reason for this is the labour migration of low-skilled workers to the Gulf states (3.5 million in the United Arab Emirates and 2.4 million in Saudi Arabia¹⁰), which has grown over decades, and that of highly skilled workers to the United States (2.7 million) and, to a lesser extent, to the United Kingdom, Canada and Australia.¹¹ The

respective circumstances of Indian labour migrants could not be more contrasting: In the Gulf states, they face poor working conditions and low wage levels, whereas in the United States, many enjoy high socioeconomic status and have contributed significantly to the development of the tech industry.

Migration from India to Germany

Although the numbers of Indians immigrants in Germany remain at a significantly lower level, India has nevertheless become the most important country of origin for legal immigration to Germany. In contrast, the number of asylum applications is comparatively low.¹² Immigration from India has existed for some time, but was limited in terms of numbers.¹³ Whereas in 2004 there were 39,000 Indian nationals living in Germany, the number has more than quadrupled since the introduction of the EU Blue Card, from 60,000 in 2012 to 246,000 at the end of 2023.¹⁴ At US\$950 million in 2021, the share of remittances from Germany to India was still relatively small by international standards.¹⁵

The Indian labour force in Germany is on average much younger and better educated than the population as a whole. More than half of this cohort work in highly qualified jobs — primarily in the IT sector and

employment-report-2024-youth-employment-education-and-skills (accessed 17 September 2024).

7 Friedrich-Ebert-Stiftung, Interview with Seeta Sharma: "More Targeted and Coordinated", 4 July 2024, <https://www.fes.de/en/stiftung/international-work/articles-international-work/interview-seeta-sharma> (accessed 14 September 2024).

8 Sandhya Krishnan, "Understanding India's Evolving Middle Classes", *East Asia Forum*, 21 May 2024, <https://eastasiaforum.org/2024/05/21/understanding-indias-evolving-middle-classes/> (accessed 19 September 2024).

9 Dilip Ratha et al., *Remittances Slowed in 2023, Expected to Grow Faster in 2024*, Migration and Development Brief 40 (Washington, D.C.: World Bank, June 2024), <https://www.knomad.org/publication/migration-and-development-brief-40> (accessed 17 September 2024).

10 International Organization for Migration (IOM), *World Migration Report 2024* (Bloomfield, CT: United Nations Research Institute for Social Development, 2024), 23, <https://ebookcentral.proquest.com/lib/kxp/detail.action?docID=31326266>.

11 Ruchi Singh, *Origin of World's Largest Migrant Population, India Seeks to Leverage Immigration* (Washington, D.C.: Migration Policy Institute, 9 March 2022), <https://www.migration>

policy.org/article/india-migration-country-profile (accessed 19 September 2024).

12 Miriam Sachs and Carsten Wolf, "Indische Migration ist ein riesiger Erfolg", *Mediendienst Integration*, 1 December 2023, <https://mediendienst-integration.de/artikel/indische-migration-ist-ein-riesiger-erfolg.html> (accessed 16 October 2024).

13 Amrita Datta, *Stories of the Indian Immigrant Communities in Germany: Why Move?* (Cham: Springer International Publishing AG, 2023), 13ff., <http://ebookcentral.proquest.com/lib/swp-berlin/detail.action?docID=30881079>.

14 Federal Statistical Office of Germany, "Ausländer: Deutschland, Stichtag, Geschlecht, Aufenthaltstitel/Ausgewählte Aufenthaltstitel, Ländergruppierungen/Staatsangehörigkeit", 31 December 2023, <https://www-genesis.destatis.de/genesis/online?operation=ergebnistabelleQualitaetSeparatAN&levelindex=3&levelid=1726266498426&downloadname=12521-0008#abreadcrumb> (accessed 14 September 2024).

15 Statista, "Remittances Outward/Inward in Germany, by Country", 16 September 2024, <https://www.statista.com/statistics/1367381/bilateral-remittances-germany/> (accessed 16 September 2024).

in STEM professions.¹⁶ India is also the most important country of origin for the growing demand for AI experts in Germany.¹⁷ In addition, Indian professionals are increasingly being recruited from healthcare professions, especially nurses.

Opportunities and challenges

Less than two years after it was signed, the MMPA has already had a positive impact. Germany's awareness of India's potential as a source of skilled labour has increased. The German embassy and consulates have shortened waiting times for visas with the support of external service providers and the Federal Agency for Foreign Affairs (BfAA). The networks of the young, up-and-coming Indian diaspora in Germany are decisive for the largely self-organised migration, as are the bilateral trade relations and increased interest in Germany as a country to immigrate to. This is also reflected in the increasing number of Indian students at German universities, who now make up the largest foreign student group.¹⁸ To some extent, however, education migration is a covert form of labour migration, as immigration via an education visa still appears to be the easiest immigration route.¹⁹ Some private universities have turned it into a business model by offering young Indians an expensive place to study. The students are then often occupied with securing temporary income opportunities and often work for food delivery services — in part also to pay off the debts incurred as a result.²⁰

The Indian government is becoming more interested in supporting emigration — to as many industrialised countries as possible. In addition to the poor labour market situation, this is also due to the fact that a strong transnational diaspora is seen as instrumental for advancing India's interests globally.²¹ India is working on around 20 migration agreements worldwide.²² Agreements have already been concluded with seven European countries (Portugal, France, United Kingdom, Denmark, Italy, Germany and Austria).

Migration governance in India is rather weak.

State capacities to regulate migration in India are far weaker than in other countries of origin such as the Philippines. Protection against exploitation and abuse has hardly been on the agenda to date. One of the reasons for this is that migration movements are characterised by numerous formal and informal private actors who are linked via complex networks within India and transnationally with the destination countries. For example, 2,000 private recruiters are registered with the Indian Ministry of External Affairs,²³ which cannot be adequately monitored due to a lack of institutional capacity.

There are more challenges: From the perspective of the German government, the problem is that after the MMPA was signed, the Indian government's willingness to readmit Indian nationals from Germany who are required to leave the country initially faded²⁴ and

¹⁶ Sachs and Wolf, "Indische Migration ist ein riesiger Erfolg" (see note 12).

¹⁷ Laurenz Hemmen and Siddhi Pal, *Where Is Europe's AI Workforce Coming From? Immigration, Emigration & Transborder Movement of AI Talent* (Berlin: interface, 31 July 2024), <https://www.interface-eu.org/publications/where-is-europes-ai-workforce-coming-from> (accessed 17 September 2024).

¹⁸ "Hochschule", *Mediendienst Integration*, 19 September 2024, <https://mediendienst-integration.de/integration/hochschule.html> (accessed 19 September 2024).

¹⁹ Andreas Babst, "Sie bezahlen zwielichtige Agenten, fälschen Dokumente, dann tauchen sie unter: das Geschäft mit indischen Studenten, die nach Europa wollen", *Neue Zürcher Zeitung* (online), 13 June 2022, <https://www.nzz.ch/international/universitaeten-das-geschaef-mit-den-indischen-studenten-ld.1684821> (accessed 13 September 2024).

²⁰ Aju Ghevarghese John and Nadja Dorschner, "Lieferando, Wolt, Uber Eats & Co" (Berlin: Rosa-Luxemburg-

Stiftung, 16 September 2024), <https://www.rosalux.de/news/id/52518/lieferando-wolt-uber-eats-co> (accessed 18 September 2024).

²¹ "Narendra Modi's Secret Weapon: India's Diaspora", *The Economist* (online), 27 March 2024, <https://www.economist.com/international/2024/03/27/narendra-modis-secret-weapon-indias-diaspora> (accessed 16 September 2024).

²² Friedrich-Ebert-Stiftung, Interview with Seeta Sharma (see note 7).

²³ Ministry of External Affairs, Government of India, *District and State Wise List of Active Recruiting Agents* (New Delhi, 4 January 2024), <https://www.mea.gov.in/Images/attach/03-List-4-2024.pdf> (accessed 17 September 2024).

²⁴ Deutscher Bundestag, ed., "*Deutsch-indisches Migrationsabkommen*", Kurzmeldungen [hib] (Berlin, 5 March 2024), <https://www.bundestag.de/presse/hib/kurzmeldungen-992398> (accessed 14 September 2024).

remains low.²⁵ In turn, India believes that the MPPA has not been sufficiently implemented, as the target of recruiting 3,000 young workers per year is not considered to have been met.²⁶ The German side, on the other hand, points out that this figure is significantly exceeded by self-organised migration and should not be related exclusively to state-supported recruitment programmes, such as the “Triple Win” programme implemented by the Federal Employment Agency (BA) with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).²⁷ It is unclear whether such recruitment programmes will prevail, because the German idea of fair and orderly migration is not always compatible with the reality of a very developed migration industry in India.

Conclusion and recommendations for action

In Germany, increasing attention is being paid to India’s potential as a source of labour. The Federal Ministry of Labour and Social Affairs (BMAS) and the Federal Foreign Office have jointly drawn up a Skilled Labour Strategy India, which corresponds to a new, interdepartmentally coordinated country concept of the German government for the recruitment of skilled workers from India.²⁸ At the German-Indian Intergovernmental Consultations, the Strategy was handed over to the Indian government on 24 October 2024, which was not consulted during the process of writing it. This would have been just as helpful as identifying clear priorities for Germany’s migration cooperation with India, which has been characterised

by a large number of cooperation activities with various partners.

On the other hand, these documents are the first of their kind and offer a chance to establish long-term, harmonised cooperation structures in the German embassy and local consulates.²⁹ German activities should not concentrate too much on the central government level of India, but — in cooperation with the German federal states — on those states where the conditions are most promising. The more developed states, such as Telangana, Tamil Nadu, Andhra Pradesh, Kerala and Karnataka, are among those particularly appropriate for this, because state structures and education standards are the most suitable for cooperation here. It would also be important to significantly step up migration-related development cooperation, as there is a growing interest of the Indian government to cooperate in this field. The Federal Ministry for Economic Cooperation and Development (BMZ) should use this opportunity to support India with the modernisation of migration legislation and assist them in establishing a dialogue with non-state actors to ensure transparent, gender-equitable and fair recruitment practices. Also, synergies with the large bilateral portfolio of BMZ, for example in the area of vocational training, should be utilised.

In principle, it makes sense to differentiate recruitment measures according to the target groups. IT specialists, for example, do not need state support but should instead be addressed with a group-specific approach and advertising. However, Germany should not harbour any illusions here, the best-trained IT specialists will unlikely go to Germany because they can choose to go to other immigration countries where income opportunities are more attractive and language is not a barrier. More attention should be given to the recruitment of health professionals from India, especially nurses. In addition, bilateral migration cooperation instruments should also support the opening up of new sectors for recruitment — such as green skills and transport — provided that the qualifications of applicants are (in some instances with additional training) compatible with the German training system.

²⁵ Deutscher Bundestag, *Abschiebungen und Ausreisen im ersten Halbjahr 2024. Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Clara Bünger, Dr. André Hahn, Gökay Akbulut, weiterer Abgeordneter und der Gruppe Die Linke*, Drucksache 20/12626 (Berlin, 22 August 2024), <https://dserver.bundestag.de/btd/20/126/2012626.pdf> (accessed 17 September 2024).

²⁶ Friedrich-Ebert-Stiftung, Interview with Seeta Sharma (see note 7).

²⁷ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), “Sustainable Recruitment of Nurses (Triple Win)”, as of August 2024, <https://www.giz.de/en/worldwide/41533.html> (accessed 17 September 2024).

²⁸ Bundesregierung, *Skilled Labour Strategy: India* (Berlin, October 2024), <https://www.bmas.de/EN/Services/Publications/a798e-skilled-labour-strategy-india.html> (accessed 25 November 2024).

²⁹ Biehler, Kipp and Koch, *Potentiale bilateraler Migrationsabkommen* (see note 2).

Tobias Scholz

Cyberdiplomatic Cooperation with India

The global spread of information and communication technologies has created a number of challenges for Germany and India, including security, economic and regulatory issues. In line with the strategic partnership between the two countries, the politics of cyberspace is beginning to feature more prominently on the agendas for bilateral government consultations and ministerial visits. However, it is important to evaluate what progress these relations are actually making in various areas of cyber diplomacy. Germany and India are united by the awareness that the digital economy and cybersecurity are becoming increasingly important. However, the foreign policy interests and values of both sides are very different. There are conflicting objectives in Indo-German cyber diplomacy that make it a challenge to further develop the strategic partnership in this area.

India – the somewhat different cyber power

India's cyber diplomatic ambitions are characterised by three historically evolved priorities that are complementary to one another while also being in tension. In addition, these three concerns characterise the country's efforts towards Germany in this policy area.

Firstly, many stakeholders in New Delhi regard the Internet as a public good, and therefore as part of the national development policy agenda. In multilateral and multi-stakeholder forums, India is in favour of Internet protocols that are especially suitable for the country's multilingual diversity. Among other things, New Delhi is calling for internationalised domain names to be expanded so that they can be better represented in the country's local scripts.

Secondly, since liberalisation in the early 1990s, economic interests have been at the forefront for India. Cities such as Bangalore and Hyderabad are the innovation centres of the software industry that have played a major role in India's economy over the last

three decades. The IT boom has fostered technological optimism, which is also fueled by the large pool of IT engineers provided by public universities – the Indian Institutes of Technology. Politically, the sector is represented by influential trade associations such as the Federation of Indian Chambers of Commerce and Industry (FICCI) and the National Association of Software and Services Companies (NASSCOM).

Thirdly, New Delhi is pursuing a policy of sovereign control over the Internet. Particularly under the Indian People's Party (BJP), which has been in power since 2014, the state's access rights are prioritised over the individual rights of citizens. When it comes to voting on Internet control at the United Nations, India is particularly close to countries such as China and Russia, whose leaders are also in favour of a strong state when dealing with the Internet.

Multilateral cooperation

What Germany and India have in common is that they are publicly in favour of stronger multilateral standards in cyberspace. Both countries are members of the United Nations Group of Governmental Experts (GGE) and the Open-ended Working Group, which are the central bodies for international cyber standards. As part of the fifth GGE, the representatives of Germany and India promoted the historic compromise, which, among other things, determined the applicability of international law to cyberspace.¹ Both countries are also members of the Alliance for Multilateralism. This informal network is particularly suitable for future coordination because it provides a platform for the working levels of the two governments. Although the group is largely shaped by Western countries, it also forms a bridge between the Global South and Global North with member states such as Indo-

1 United Nations Office for Disarmament Affairs, "Group of Governmental Experts", <https://disarmament.unoda.org/group-of-governmental-experts/> (accessed 3 September 2024).

nesia and Peru. The fact that India claims a leadership role in the Global South makes it an interesting partner in the Alliance for Multilateralism. Previous diplomatic formats show how the country can best be persuaded to participate in international debates. For example, India's proactive involvement in the Global Commission on the Stability of Cyberspace or the Global Commission on Internet Governance has led to New Delhi developing a greater interest in international discussions about the Internet.

In fields such as AI, there is potential for cooperative innovation and coordinated regulation.

The area of cybercrime, on the other hand, is a negative example of multilateral cooperation. In this policy area, Germany is a co-initiator of the Budapest Convention, which is the only treaty on multilateral cyber diplomacy. However, India has not yet signed the document, thereby remaining true to two of its foreign policy principles. On the one hand, the country is sceptical of international projects that it has not helped to initiate itself. Secondly, India has always been at odds with international law whenever there was the slightest chance it might affect national sovereignty rights (as with Article 32 of the Budapest Convention, which regulates cross-border access to computer data).² Politically, India thus reflects Russia's position more closely in the international fight against cybercrime – a position that is diametrically opposed to Germany's endeavours to strengthen multilateral cooperation in law enforcement.³

In any case, cooperation on specific multilateral projects can still be expanded. As Berlin and New Delhi often adopt nuanced positions on issues relating to the international regulation of cyberspace, it would be beneficial to deepen their partnership. In many digital policy areas, the two countries share a scepticism towards both the American and Chinese

positions, which are diametrically opposed to each other. There is particular potential for joint action, cooperative innovation and harmonised regulation in the international governance of artificial intelligence (AI) and digital public goods. Such cooperation could point the way forward for the Indo-German partnership.⁴

Bilateral cooperation for digital solutions

Bilateral cooperation on digital issues has experienced a significant upswing in recent years. The main organisers on the German side are the Federal Ministry for Digital and Transport (BMDV), the Federal Ministry for Economic Cooperation and Development (BMZ) and the Federal Ministry of Education and Research (BMBF).

Together with India's Ministry of Electronics and Information Technology, the BMDV manages the Digital Dialogue as a central channel for political and economic exchanges.⁵ In this format, governmental and non-governmental stakeholders from both countries have been meeting annually since 2017 to discuss political positions and economic developments. Topics include the expansion of the 5G infrastructure, semiconductor production and cooperation on digital public infrastructure.⁶ The focus of the dialogue has so far been less about concrete political agreements and more about bringing players such as key industry associations closer together.⁷

The Digital Dialogue offers Germany and India an ideal forum to identify potential synergies between the two countries, whose economic strengths and

² Anja Kovacs, "India and the Budapest Convention: To Sign or Not? Considerations for Indian Stakeholders", *Internet Democracy Project*, 31 March 2016, <https://internetdemocracy.in/reports/india-and-the-budapest-convention-to-sign-or-not-considerations-for-indian-stakeholders/> (accessed 3 September 2024).

³ See Daniel Voelsen and Christian Wagner, *India as an Ambivalent Partner in Global Digital Policy: Potential and Limits of Cooperation in the Digital Economy and Internet Governance*, SWP Comment 10/2022 (Berlin: Stiftung Wissenschaft und Politik, October 2021), doi: 10.18449/2022C10.

⁴ This is the assessment of organisations such as the Deutschen Wissenschafts- und Innovationshäuser (DWIH). "DWIH-Schwerpunktthema 2024. Künstliche Intelligenz: Mensch und Gesellschaft im Fokus", *DWIH New Delhi*, <https://www.dwih-newdelhi.org/de/kuenstliche-intelligenz-mensch-und-gesellschaft-im-fokus/> (accessed 4 September 2024).

⁵ BMDV, "Indien", <https://digital-dialogues.net/de/partner-laender/indien> (accessed 5 September 2024).

⁶ BMDV, Internationale Digitaldialoge, "Jahressitzung des Deutsch-Indischen Digitaldialogs 2023", 7 December 2023, <https://digital-dialogues.net/de/news/details/jahressitzung-des-deutsch-indischen-digitaldialogs-2023> (accessed 5 September 2024).

⁷ On the Indian side, these include in particular NASSCOM, the India Electronics and Semiconductor Association and the Data Security Council of India.

interests differ in many respects.⁸ India, for example, is primarily interested in generating new markets for its software and the domestically developed model of a digital public infrastructure. In the case of Germany, the main incentives for cooperation are to develop new locations in Asia that can be used to drive digital innovation and, in some cases, production. In addition, both countries have a great interest in presenting themselves as an attractive destination for direct investment from the other. The Digital Dialogue and its platform approach seems to be the appropriate means at the moment to create opportunities for open exchanges on further economic integration at the working level.

For the BMZ, digital policy cooperation is an increasingly important pillar of the 81 projects that the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) maintains in India. For example, India is a partner country of German development cooperation in the global programme Digital Transformation and in the sector programme International Digital Policy for Sustainable Development.⁹ Triangular cooperation represents a possible expansion format for future collaboration. After the BMZ and the Indian Ministry of External Affairs signed a corresponding declaration of intent at the sixth intergovernmental consultations in 2022, a project on digital geodata tools became one of the pilot projects for triangular cooperation with India.¹⁰

Bilateral cooperation in the field of education has also recently increased significantly. There are now joint initiatives between the BMBF and the Indian Department of Science and Technology, which are funded by the Indo-German Science and Technology Centre (IGSTC), founded in 2010. As part of this year's 2+2 funding framework, the IGSTC supported projects with the thematic nexus of AI and sustainability.¹¹

Bilateral cooperation has a great potential for growth in the three sectors of education, development and trade and innovation; other policy areas such as climate and environmental cooperation can also benefit from this.

Regulation of data

Whereas Germany traditionally places a strong focus on data protection and freedom of expression when regulating online data, economic benefits and national security play a central role for India. These fundamentally different approaches have made cooperation difficult in the past. This applies to the free flow of data streams, the local storage of information and bilateral cooperation to combat cybercrime.

Digital trade and investment in information infrastructure between the two countries remain just as weak as transnational data transfer. The main reason for this is that for a long time it was not possible to pass a data protection law in India that would have met the criteria of the European General Data Protection Regulation (GDPR). It was not until August 2023 that India passed comprehensive data protection legislation in the form of the Digital Personal Data Protection Act.¹² Although the law does not mean full harmonisation with the GDPR, it does provide an initial basis for legally anchoring data protection in India.¹³ This had become necessary after the country's Supreme Court issued a politically controversial judgement in 2017, according to which the right to privacy is a fundamental right protected by the constitution.

As far as cooperation in dealing with international data flows is concerned, the fight against online crime remains a key issue. In contrast to Germany, India prioritises bilateral rather than multilateral cooperation in this area. In the past, New Delhi prioritised bilateral mutual legal assistance agreements as a key

⁸ While the BMDV is leading the Digital Dialogue, it is also part of GIZ's larger project "International Digital Dialogues with Emerging and Developing Countries". GIZ is responsible for coordinating the meetings.

⁹ GIZ, "Projektdaten", <https://www.giz.de/projektdaten/region/2/countries/IN> (accessed 5 September 2024).

¹⁰ BMZ, "Indisch-Deutsche Dreieckskooperation" (June 2023), <https://www.bmz.de/resource/blob/155456/factsheet-dreieckskooperationen-deutsch.pdf> (accessed 5 September 2024).

¹¹ BMBF, "Bekanntmachung", 19 February 2024, <https://www.bmbf.de/bmbf/sharedocs/bekanntmachungen/de/2024/03/2024-03-20-Bekanntmachung-IGSTC.html> (accessed 5 September 2024). 2+2 projects are a funding format in which

one scientific and one public or private actor from both countries can submit a joint project funding application.

¹² "The Digital Personal Data Protection Act, 2023", *The Gazette of India*, 11 August 2023, <https://www.meity.gov.in/writereaddata/files/Digital%20Personal%20Data%20Protection%20Act%202023.pdf> (accessed 5 September 2024).

¹³ European Commission, "Data Protection – the Regime in India (Part-II)", *News Blog*, 4 January 2024, https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/data-protection-regime-india-part-ii-2024-01-04_en (accessed 15 September 2024).

foreign policy instrument. Referring to the fact that the death penalty still exists in India, the German government has been sceptical in this regard, with the result that an agreement on legal assistance has not yet been reached. The mixed success of existing agreements and the increasing presence of (mainly American) online platforms in India have led to a shift in the country's political endeavours in recent years. For example, especially under the second Modi government (2019–2024), India has turned to increasingly forceful means to directly target companies such as Meta and X/Twitter to censor content or gain access to personal information about individuals. Cases of such practices against private-sector actors are an indication that the partnership with India is based less on shared values and more on shared strategic interests.

Outlook

Cyberdiplomatic efforts in Indo-German relations have intensified in recent years, but there is still room for improvement. From a German perspective, three aspects appear to be central to political cooperation in this area. Firstly, the Digital Dialogue shows that a multi-stakeholder approach can give new impetus to bilateral digital trade. Experience from development policy cooperation also indicates that digital policy synergies exist and that state and private-sector players in India are very interested in further cooperation. Bilateral cooperation could open up new economic opportunities for German technology companies in the automotive, software and electrical engineering sectors.

Secondly, the European division of competences in trade policy makes it difficult to further develop the technology partnership with India in the short and medium terms. Germany remains heavily reliant on the European Union (EU) for future digital cooperation with India. However, Brussels has not yet been able to reach sustainable agreements with the country. On the one hand, the negotiations on a free trade agreement between the EU and India that began in 2021 have not yet produced any results. Secondly, the Trade and Technology Council (TTC) between the EU and India, which was launched in 2022, has also had no effect to date. In order to achieve greater growth in the bilateral digital economy, the success of the TTC's second working group on strategic technologies, digi-

tal governance and digital connectivity is particularly important.¹⁴

Thirdly, two normative challenges are likely to persist with regard to the Internet as an information space. India is striving for more control over the Internet, a normative preference that it does not share with its German partner. In addition, the Indian diaspora is growing rapidly.¹⁵ The German government must expect that Indian nationals in this country could become the target of political campaigns by actors in their country of origin. Political influence on Indians living in Germany could lead to a long-term loss of trust in cyberdiplomatic relations. Both countries should therefore urgently work on confidence-building and risk-minimising strategies with regard to disputes concerning the Internet information space.

The holistic view of Indo-German digital relations makes it possible to assess opportunities and challenges in a realistic and differentiated manner. As current developments show, both sides are interested in sustainably deepening the strategic partnership in digital policy. Multi-stakeholder formats could also serve to find compromises in digital economic cooperation in the future. However, diverging political values regarding the Internet as an information space are likely to remain a source of fundamental conflicts of interest.

¹⁴ For an overview of the EU-India TTC, see European Parliament, "EU-India Trade and Technology Council", [https://www.europarl.europa.eu/RegData/etudes/ATAG/2024/757587/EPRS_ATA\(2024\)757587_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2024/757587/EPRS_ATA(2024)757587_EN.pdf) (accessed 5 September 2024).

¹⁵ Figures from the Federal Statistical Office of Germany can be found here: "Fachkräfte-Abkommen: Indische Migration ist ein riesiger Erfolg", *Mediendienst Migration*, 1 December 2023, <https://mediendienst-integration.de/artikel/indische-migration-ist-ein-riesiger-erfolg.html> (accessed 5 September 2024).

Appendix

Abbreviations

AI	Artificial Intelligence
BJP	Indian People's Party/Bharatiya Janata Party
BMBF	Federal Ministry of Education and Research
BMDV	Federal Ministry for Digital and Transport
BMEL	Federal Ministry of Food and Agriculture
BMZ	Federal Ministry for Economic Cooperation and Development
BRICS	Brazil, Russia, India, China, South Africa
CBAM	Carbon Border Adjustment Mechanism
CRS	Congressional Research Service
EFTA	European Free Trade Association
ESMA	European Securities and Markets Authority
EU	European Union
G7	Group of Seven
G20	Group of Twenty
GDP	Gross Domestic Product
GDPR	European General Data Protection Regulation
GGE	Group of Governmental Experts
GI	Geographical Indication
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HRK	Hochschulrektorenkonferenz
iCET	Initiative on Critical and Emerging Technology
IGSTC	Indo-German Science and Technology Centre
IT	Information Technology
Mercosur	Mercado Común del Sur
MMPA	Migration and Mobility Partnership Agreement
OEC	Observatory of Economic Complexity
OECD	Organisation for Economic Co-operation and Development
SPS	Sanitary and Phytosanitary
STEM	Science, technology, engineering, and mathematics
TSD	Trade and sustainability development
TTC	Trade and Technology Council
WFP	World Food Programme
WTO	World Trade Organization

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