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Indo-US Nuclear Relations: Issues, Justifications and US Response

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Abstract

This paper aims to throw light on the most contentious and cooperative issues in the Indo-US nuclear relations and insists that Indo-US nuclear relations mostly revolve around the three major shifts; Pokhran-I (1974), Pokhran-II (1998) and Civilian Nuclear deal (2005). Right from the genesis of the Indo-US engagement in the international politics, the issues relating to nuclear aspects have been a great source of divergence and convergence between the two. However, before the civilian nuclear deal of 2005, India and the United States both had been taking a very strict policy stance as regards signing of the Nuclear Non-Proliferation (NPT) and Comprehensive Test Ban Treaty (CTBT). India refused to sign CTBT on grounds of uncalled for inequality for non-nuclear club of countries. The paper concludes that during the Indian Nuclear tests the US criticized India but after signing the Indo-US Nuclear deal in 2005 both the nations enjoyed their convergence relations.

Key Words: Nuclear, Pokhran, Foreign Policy, Armament and Disarmament, NPT, CTBT, Indo-US Civil Nuclear Deal.

Introduction

Be nuclear is the prospect of every nation, even those who are against armament. The use of nuclear material for peaceful purposes on one hand and for war on the other hand are two most controversial and ambiguous statements in modern times. At the bilateral level the states transfers nuclear material on the justification that it shall be used for peaceful purposes.

In spite of being having the stable democratic regimes in the World, India and the United States have long historical, diplomatic, strategic and cultural linkages. In contemporary times, both the nations are treading in the path of mutual cooperation and strategic relations. The United States vis-a-vis India seldom realized latter's significance in its quest for security until the terrorist onslaught on the World Trade Centre on September 11, 2001. The policy makers of the United States remained mostly unshackled in the web of Ariadne's thread of misguided understanding of their national security interests up to the end of 2001 especially with regards to their perceptions about India. That is why the United States foreign policy makers got knotted into several international security and military missions where they had to lose several of their citizens, precious human lives in the US involvements like Korean War, Vietnam, Cuban crisis, Cold War, recurring contexts of West Asia and Afghanistan etc. India is one such country which now appears to be an ideal partner

in the quest for global security not only for the United States and European countries but also for the erstwhile super powers like USSR. India is the balancing point in the strategic and security design of the world for bringing about more permanent peace at least possible costs.

Indo-US relations get a setback in the wake of nuclear tests conducted by India at Pokhran in 1998. It came as a big shock for the Clinton administration and was termed as a lethal failure of the US Intelligence Agencies. US felt deceived at the decision taken by India to go nuclear at the time when non-proliferation was high on its foreign policy agenda. The US official statements either delivered unilaterally at home or in any multi-lateral forum were full of annotations to convey clearly to the parties concerned (India and Pakistan) as well as to the world that this kind of action would never be tolerated.¹

The strong reaction of the US was given a practical shape and many economic sanctions were imposed on both India and Pakistan under the Nuclear Non-Proliferation Act, 1994 (Glenn Amendment).² India time and again officially declared that it has a long-cherished history of being a peace-loving country and she preferred to use her nuclear energy for peaceful purposes and not for aggression. In a statement to the Indian Parliament, Vajpayee, then the Prime Minister of India, made the following indirect reference to China, noting: "We are not going to enter into an arms race with any country. Ours will be a minimum credible deterrent, which will safeguard India's security."³ However, the statement of George Fernandes that Chinese threat was the main reason behind conducting the nuclear tests then Defense Minister of India, invoked strong reactions from China.

As that time, India had developed two intermediate-range missiles- Agni and Prithvi. There were apprehensions in the mind of the US that the display of the growing military strength by India would result in the destabilizing the military balance in South Asia, that's why she pressurized India to abandon the further development of its missile programme but India went ahead and test fired the Agni, declaring it was only a technology demonstrator and that the system was not going to be deployed.⁴ However, India criticized the United States dual policy on proliferation of missile technology because the US remained soft when China acquired the missile technology and proliferate it to Pakistan, knowing it very well that there was every possibility that Pakistan would proliferate that to the third countries and in spite of that unnecessarily delayed taking action against it just because of the gigantic volume of investments it has made in China. Instead of contesting China, the US conferred the status of most favored nation on it in the year 1994.

The double standard policy posture of the US on the issue of proliferation of missile technology to the maiden states, invited sharp reactions in India and the latter was convinced that the US intentionally want to marginalize and contain her by denying her the due place and importance in the region as well as at the global level. In the words of an American author, H. R. Issacs: "If one could venture any kind of generalization at all, it might be to say that both the Indians and Americans tend to be in some measure apostles of righteousness, and when two apostles of righteousness meet, it is not the beginning of a beautiful friendship."⁵

India's Nuclear Test: Justifications and Washington Response

*"It is only in the last year that there has been some course correction in Washington and New Delhi over the historic nuclear deal. If in 2005 it was the nuclear deal that opened the door to a strategic partnership, in 2015 it is the strategic partnership that has enabled a closure on the deal"*⁶

The Indian nuclear test begins in 1974, but the test remained unsuccessful however, in 1998, India made her entry in the list of nuclear states by conducting five tests in May 1998. To India's justification, there were many rationales behind the nuclear tests first; there was a quest for more respectable status for India at the international level. The supporters argued that nuclear weaponization programme of India is the outcome of the realities of the nuclear world and would serve its strategic and military purposes and would provide its self-confidence, self-esteem and dignified position in the eyes of the world and made its a dominant nuclear power to be reckoned with. Secondly, India has made a lot of advancement in the scientific arena and the finances were also generated in lieu of many investments from the other countries in the form of Foreign Direct Investment (FDI) as India walk downed the path of Liberalization Privatization Globalization (LPG) reforms few years before.

Thirdly, India's strategic environment grew both more complex and dangerous after 1990 because of the renewal of the threat of war with Pakistan, Islamabad's nuclearization, strong evidences of Chinese support for Pakistan and the rise of serious domestic insurrections in Punjab, the north-east and Kashmir.⁷ Besides, the Ghauri missile test of Pakistan in April 1998 proved one of the immediate stimuli for India to explode the nuclear device in May 1998. Fourthly, the Pakistan-China nexus which was operating against India's security concerns as the latter was seen as the common enemy of both was also the major determinant behind India's decision to go nuclear. India wants to contain both China and Pakistan. China's advanced nuclear power status was a big threat to India's security and not only this the former was proliferating nuclear and missile technology along with latest weapons to Pakistan which was a direct threat to India's security. In spite of India's reiterations, the big powers of the world did not take serious concerns about India's security threats. In this entire adverse and hostile regional environment India could not afford to remain vulnerable as far as its security and territorial integrity was concerned.

After India chooses the nuclear path, the US tried all its diplomatic skills in persuading Pakistan not to follow the same suit but the latter washed off all the aspirations of the US by conducting nuclear tests within few days after India. Pakistan's nuclear weapon program was Indo-centric. Pakistan has declared that it cautiously delayed the decision to explode the nuclear devices for some days as it wanted to ascertain the reactions of the international community.

During the period from 1970s to 1998, Pakistan's nuclear policy could be termed as a 'policy of ambiguity'. The 'not say yes- not no' policy helped her to avoid the international pressure on nuclear non- proliferation throughout all these years. However, with its overt declaration of being a nuclear power in 1998, she came under the global non- proliferation agenda. Pakistan and India were informed that sanctions would be eased in the event of their commitment to sign the CTBT; participate meaningfully in forthcoming discussions on a Fissile Material Cut-Off Treaty; refrain from assembling and deploying nuclear- capable delivery systems; impose restraints on the transfer of nuclear technology and supplies; and to enter into a dialogue for the normalization of relations.⁸

However, Pokhran II was a blessing in disguise in the context of Indo-US relations because in the short run, Pokhran II invoked strong reactions and sanctions from US vis-a-vis India but in the long run, US posture and philosophy about India has changed dramatically as within one month aftermath the Pokhran II, US agreed to engage India for the first time in high level security dialogue popularly known as Jaswant Singh – Strobe Talbot Dialogue which started on June 12, 1998. Both Singh and Talbot cautiously guided their respective governments. During the course of these talks India was successful in convincing the US that it was the multiple-security threats from China and Pakistan

which were the immediate causes for declaring itself as overt nuclear power. Although the dialogue continued behind closed doors, after a few rounds of talks, one can witness a change in the US' tone as far as the non- proliferation issue was concerned which also helped both the countries to buy time to enable creation of a proper atmosphere to harmonize their positions.⁹

US approach on this whole sensitive issue remained guided by the concerns about regional stability and peaceful solution of divergence issues between India and Pakistan on the path of CBMs. US has tacitly internalized the fact that the nuclear weapon status of India, Pakistan and China is a harsh reality and could not be undone so the best hope for it was to accelerate the efforts for arms-control and crisis- management in the South Asian region. Another vital fact that has come to light recently is that the US, which has been making the loudest noises against proliferation of nuclear weapons, had stored nuclear weapons in twenty seven countries and territories around the globe with or without the knowledge of the local governments.¹⁰

Nevertheless Washington's positive attitude towards India during the Kargil Crisis in 1999 was the biggest gain for India as far as its diplomacy was concerned. The US managed to signal its stand on the Kargil issue to India and proved it through action (intelligence sharing) and this eventually paved the way for building a new level of political confidence between New Delhi and Washington.¹¹ The US posture of pressurizing Pakistan to rollback its forces from Kargil was highly appreciated by India but US refrained to declare Pakistan as a state sponsoring terrorism also gave birth to simmering discontent in India.

The national interest of the US forced the Clinton Administration to improve the bilateral relations with India, which led to his visit to India. This crucial visit was perceived by many analysts as a landmark event in the Indo-US relations which laid the foundation stone for the transformation and paradigmatic shift in their relationship. During his visit to India, Clinton announced the waiving of all the sanctions imposed on India, in the wake of Pokhran II and also made its stand clear that Kashmir issue should be bilaterally solved and it has no intention to interfere further. This statement came as a big sign of relief for India, which helped in narrowing down the 'trust- deficit' between the two.

As during the Clinton's era, main shove was on the promotion of democracy and nuclear non-proliferation and it was expected that the main focus of the Bush Administration would be on curbing and non-proliferation of Weapons of Mass Destruction (WMD), but 9/11 changed the whole scenario. US engaged Pakistan as the frontline state in its Global War on Terrorism with gargantuan amount of military and material support. Although India resented this move of the US as Pakistan itself is a part of problem as she is sponsoring cross- border terrorism for sabotaging India.

Many analysts in the US believed that this combine goal created a critical situation for US policy- makers in terms of striking a balance between its new- found strategic partner India and the indispensable partner Pakistan in the global campaign against terrorism.¹² But, credit goes to Bush Administration for pragmatically handling these two 'uneasy partners' very cautiously with proficiency. In developing agendas for cooperative action with other main centers of power in Asia, the US appears to have concluded that, measured by any indices India is undoubtedly the pre-eminent and pivotal power in South Asia with a corresponding interests in maintaining regional stability.¹³

And this recognition culminated itself in the declaration of Next Steps in Strategic Partnership (NSSP)¹⁴ by US in 2004 which opened up many new avenues between India and the US. Under the umbrella of NSSP, US announced to engage India in four vital areas of dual use of technology,

civilian nuclear deal, civilian space programme and missile defense. The US ever close contacts with India are mostly determined by the consideration that it would also help its in getting closer to the regions which are vital to its national interests like Central Asia, South-East Asia and of course Indian Ocean.

US had been remained the most staunch critic of the nuclear tests of India in 1998 but now the former is not only engaging latter in the civilian nuclear deal but also lobbied hard for providing exclusive concessions to India by convincing the other members in the IAEA¹⁵ and Nuclear Supplier Group (NSG).¹⁶

The supporters in India are satisfied by the fact that with nuclear deal of 2005, India has been able to get recognized as a nuclear weapon state by breaking the shackles of decades long 'Nuclear Apartheid'. This deal is also significant by the fact that besides providing the access to nuclear technology and know-how, this would provide for significant long-term implications to India in accelerating the economic growth rate. Critics, however of the view that this would compromise India's national interests and merely relegate India to the subjugated position viz-a-viz the US. Opposition to the deal in India is predicted on the anxiety that it is more than a mere civilian nuclear cooperation and that this agreement is the beginning of the process of being sucked into the American strategic game-plan for the 21st century, with a distinctive 'contain China' element embedded within it.¹⁷

The Leftist parties staunchly criticized the provision of the Hyde Act¹⁸ and argued that India will lose all its sovereign rights to test in future. CPI (M) argued that this deal will not liberate India from the 'Nuclear Isolation Regime' as promised by the government but made it a prisoner of the US wicked strategic designs. However, the BJP's opposition appeared half-hearted; as it has always been more enthusiastic than any other political party about closer ties with the United States and therefore does not have any ideological opposition to it but in this case perhaps it did not want the UPA government to claim full credit for ending country's nuclear isolation.¹⁹ On its part, the UPA government reiterated on many occasions that the Hyde Act is a US domestic legislation and only the latter is bound by its provisions and as far as India is concerned she is only bound by the bilateral pact i.e. 123 agreement and not by Hyde Act.

On the other hand, the US is satisfied by the fact that as India has not signed either NPT or CTBT, so at least through this deal, she could be placed under the International Atomic Energy Agency (IAEA) safeguards, as it would require opening up 14 out of its 22 nuclear reactors for inspection and monitoring by the IAEA. Besides, with this treaty, the long cherished goal of the US to establish the nuclear non-proliferation regime would be served. In addition, Indo-US cooperation sends an indirect yet powerful message to threatening nations such as Iran that responsible nuclear behavior will be rewarded, while reckless proliferation will result in sanctions and isolation.²⁰ On the other side, the staunch proponents of non-proliferation put forward their concerns that; however, the United States is clearly bending the rules to support India's civilian nuclear programme, and is instead communicating that breaking the rules leads to higher nuclear payoff than obedience.²¹ On the other hand, many nations supporting the NPT might also be demoralized by the lack of consistency in the execution of the international treaty as ultimately, the United States rewarded non-compliance, which destabilizes the political will behind the current non-proliferation regime.²²

During the course of discussions in IAEA and NSG, many amendments were put forwarded but the most controversial was a 'testing clause'. According to this amendment all cooperation will come to a close in event of any future test conducted by India. India clearly asserted that she might

roll back from the deal if discriminatory and ‘killer’ amendments were insisted upon it. During the whole course of discussions in NSG, the US strongly lobbied in favor of India and tried every effort to convince the obstructionist countries like Austria, New Zealand, Switzerland, Norway, Sweden, Canada etc; to soften their stand and eventually succeeded in its task as objection from any single member of NSG could create hurdle as the decisions in NSG is bound to be taken by consensus.

But, meanwhile, a new controversy arose; in his covering letter, while forwarding the documents pertaining to the 123 agreement to the US congress for final ratification, President Bush mentioned that nuclear deal imposed no legal obligation on the US to guarantee fuel supplies to India. As expected India staunchly reacted to this unilateral posture of the US and clearly remarked that India will only sign the previous mutually agreed text of the pact and she will definitely step down if the deal was fabricated. However, with the diplomatic skills of Bush, the issue was resolved and the deal could finally see the light of the day and India was unshackled from the decade’s long nuclear apartheid.

This deal proved to be one of the transformational reference points in Indo-US relations as by this India has been able to unshackle the chains of nuclear apartheid tied on it and has been accepted with its unique status in the nuclear comity of nations. India has been able to get recognized as a responsible nuclear power in spite of the fact that till now she is not a signatory of either NPT or CTBT by the sheer dint of it impeccable non- proliferation testimony.

Issues and Objections in Indo-US Nuclear Ties

The fact is crystal clear that both the partners are expecting a lot of tangible gains from each other but there are also the second dimensions in their relationship as Indo-US nuclear relations are not totally immune from divergences as there are some irking issues between them. First, there is the much debated issue of ‘Nuclear Liability Bill’. Under this bill India wants to negotiate the terms with its nuclear suppliers that in case any accident or mis-happening occurs due to defective quality of fuel supplied or technological faults, India could ask for appropriate compensation from the concerned fuel- supplier country as to avoid any more tragedy like that of Bhopal. The US is not very comfortable with this bill becoming law and on this issue the interests of both the partners are not identical.

Secondly, the lingering issue of NPT and CTBT is another point of deviation in their nuclear relations. The US wanted India to sign the NPT and CTBT but India denied to be a part of any such treaty which is discriminated and unjust in nature and which tantamount it to be in a position of subjugation under the nuclear five. Although with the signing of nuclear deal between both the partners the issue of NPT and CTBT has been relegated to the background but still this issue is irking somewhere at the minds of both the partners.

Thirdly, the indelible impact of Pakistan as a factor on Indo-US relations is always a reality and its impact on nuclear matter is also determining. Pakistan is not only a part of the problem in the context of terrorism but also in the case of nuclear proliferation. Pakistan had always been exposed before the whole world regarding its patronizing of many militant outfits and it is under the close scrutiny of the international community because of its active role in the proliferation of nuclear technology to the “rogue states”.

Although there is a convergence of view between India and the US on the role of Pakistan in proliferating nuclear technology and know- how to many countries like North Korea, Iran, Libya etc and its possibility of being proliferated to the non- state actors (various terrorist groups) but there is

a wide gap between both the countries on the issue of approach to be applied to counter this menace. India wants the US to strictly tackle the issue by taking stringent actions against Pakistan which till now the US has failed to take. It will be attention-grabbing to see how stringently the US would deal with Pakistan in this aspect for accomplishing its long-cherished goals of ascertaining the nuclear non-proliferation regime.

Fourthly, there is a big divergence in their nuclear relations in the context of Iran's ambitious nuclear program. The US has been lobbying throughout the world to convince the other countries about the unjustness of the aggressive nuclear policy of Iran and to isolate the latter by all the possible channels including economic embargos, stall in diplomatic exchanges etc. But India does not seem to anticipate the views of the US on this issue because the latter is having very cordial cultural, historic and diplomatic relations with Iran. To adopt the segregation policy vis-a-vis Iran is detrimental to India's diplomatic and economic interests as India is importing 13-15 percent of its domestic consumption of crude oil from Iran and the latter is also one of the biggest importers of rice and other commodities from India. The US is also trying to press India for not advancing the India-Pakistan-Iran gas pipeline deal further- an insistence which India again refused to admit as this US demand is detrimental to India's economic interests.

Objections

Indo-US nuclear deal is subject to various objections and criticisms. Critics call the terms of the agreement overly beneficial for India and lacking sufficient safeguards to prevent New Delhi from continuing to produce nuclear weapons. According to Henry Sokolski, executive director of the Non-proliferation Policy Education Center "We are going to be sending, or allowing others to send, fresh fuel to India--including yellowcake and lightly enriched uranium--that will free up Indian domestic sources of fuel to be solely dedicated to making many more bombs than they would otherwise have been able to make,"

According to a Congressional Research Service Report, "There are no measures in this global partnership to restrain India's nuclear weapons program."²³ Some other objections include; firstly, it doesn't cover the fissile material produced by India over the last several decades of nuclear activity. The CRS report says, "A significant question is how India, in the absence of full-scope safeguards, can provide adequate confidence that U.S. peaceful nuclear technology will not be diverted to nuclear weapons purposes."²⁴ Secondly, this comes at a time when nearly all the major nuclear powers--including the United States, France, Britain, and Russia--are moving to limit their production. Thirdly, these could include making India's existing electricity grid more efficient, restructuring the country's coal industry, and expanding the use of renewable energy sources. Lastly, the agreement according to William C. Potter, director of the Center for Nonproliferation Studies at the Monterey Institute of International Studies "appears to have been formulated without a comprehensive high-level review of its potential impact on nonproliferation, the significant engagement of many of the government's most senior nonproliferation experts, or a clear plan for achieving its implementation."²⁵

Conclusion

It is to be concluded that there are three reference points as far as India's nuclear policy is concerned. The first was the Nuclear Explosion of 1974, second was the Pokhran II in 1998 and the third one was the signing of Indo-US Civil Nuclear deal in 2005 which were the highlights of all the three phases of cold war, post-cold war and post post-cold war respectively and all these events played their significant role in guiding and reshaping the bilateral relations between the two

countries. Throughout the period of 1990s the US pressed both India and Pakistan to sign NPT and later CTBT. Under its own security compulsions India conducted nuclear test in 1998 and declared it as a nuclear weapon state. US diplomacy failed to persuade Pakistan not to follow the suit and consequently imposed many stern sanctions on both the regional nuclear rivals. After that to restrict the proliferation, maintain the stability and to minimize the nuclear damage has become the prime concern of the US strategy in the South-Asian region.

In the aftermath of 9/11 the prime focus of the US has been shifted to war against terrorism. However, the Indo-US nuclear relations were transformed when the US announced to engage India in the nuclear domain for peaceful purposes under the Indo-US nuclear deal. Through its diplomatic brilliance the US was able to get the clean waiver for India from IAEA and NSG and after being ratified from the Congress the deal could at last become a reality.

In the end it can be said that the US policy towards India has changed from “paying equal attention to India and Pakistan” in the early period of the post-cold war to “focusing on India and reducing Pakistan” during the Clinton Administration. The focus was once again changed to “raising India and curbing Pakistan” when Bush took over and “regarding Pakistan while respecting India” after the 9/11 attacks and the Operation Enduring Freedom campaign in Afghanistan. After years long efforts, diplomatic exchanges and personal initiatives of the leadership and at this particular point of time, neither of the two partners would think of jeopardizing their newly found ‘strategic partnership’. Only time would tell what new twists and turns would shape and condition the Indo-US relations in the near future.

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2. *Glenn Amendment*: It refers to an amendment to the US Arms Exports Control Act (Section 102). Under this, if the President detects that a non-nuclear weapons state acquired any kind of nuclear weapons by any of the means certain sanctions apply to the concerned state. The sanctions imposed on broad-ranging restrictions on various types of assistance, loans and trade.
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15. *IAEA*: It was established as an autonomous organization under UN in 1957. Its headquarters is in Vienna, Austria. Its main aim is to contribute towards global peace and security, social , economic and environmental development and to make the optimum use of nuclear energy for all the countries of the world but with the consideration of its peaceful use.
16. *Nuclear Suppliers Group (NSG)*: Formed in 1974, it is a group of 45 countries- five nuclear weapons countries and also the permanent members of the UNSC and 40 other countries who have deposits of nuclear fuel. This group trade in nuclear fuel between themselves or with those countries who have signed NPT and CTBT thus aiming to promote the nuclear non-proliferation regime.
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