

**INDO - US RELATIONSHIP IN THE  
CONTEXT OF THE NUCLEAR  
NON-PROLIFERATION TREATY**

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*TO MY FAMILY*



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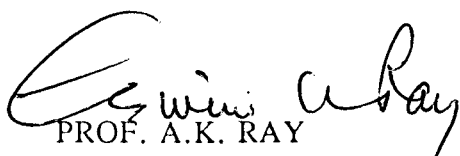
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## CERTIFICATE

Certified that this dissertation entitled "**Indo-US Relationship in the Context of the Nuclear Non-Proliferation Treaty**" submitted by Santosh Kumar Sarangi in partial fulfilment of the requirements for the award of the **Degree of Master of Philosophy** of Jawaharlal Nehru University is his own work and has not been submitted to any other University for the award of any degree.

We recommend that it should be placed before the examiners for evaluation.

  
PROF. A.K. RAY  
Supervisor

  
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# CHAPTER - I

## INTRODUCTION

In the aftermath of the disintegration of the former Soviet bloc and the end of cold war, a growing recognition of converging geopolitical interests with shared democratic and secular values on the part of India and the US has replaced mutual distrust resulting from the differing security perceptions. With regard to the nuclear aspect of Indo-American relations, the nuclear controversy has been a dominant feature, which has often had an influence on politico-strategic relationships of Indo-US relations. While India believes that the sensitivities of its nuclear programme should be taken into account by the US, the US believes in taking a tough stance against India to bring it under the NPT regime. In present circumstances, the unforeseen consequences of shifts in balance of power have blurred the visions of a peaceful global order. The removal of the Soviet threat has loosened ties between the western allies by making the Europeans less dependent on US protection. The emergence of four nuclear powers where there was one in what was once Soviet territory, has made the risk of a spread of nuclear weapons technology more palpable. The possibility of Japan, which already has a defence budget of 33 billion dollars wanting to convert its

economic muscle into military power can no longer be ruled out. Nor can the prospect of China with its feverish economic growth emerging as a superpower.

In this changing international environment Indo-US relationship has to search for shared interests in working for regional and world peace as well as to work for bilateral cooperation. This has been emphasized recently by the Report of the Carnegie Endowment Study Group on US-Indian Relations. It says that India is one of the major battlegrounds in the struggle between secularism and extremist form of religious fundamentalism. At the same time, the growth of militant Islamic fundamentalism in areas adjacent to India underlies the possibility that New Delhi and Washington will share common security concerns in the years ahead. In spite of this shared security perceptions and mutual cooperation nuclear non-proliferation has been a major issue in Indo-US relations. The United States has consistently listed non-proliferation as a major goal of its foreign policy concerns. After Bill Clinton's election as the President of the United States a renewed debate is taking place in USA as to how the US should deal with India on the nuclear issue. According to a US state department official, "the US is seeking a comprehensive, step-by-step approach first to cap, then to reduce and finally eliminate all weapons of mass

destruction and the means of their delivery from South Asia."

India on the otherhand is trying to bring about a degree of semblance between economic reforms and foreign policy orientations. It has adhered to its principled stand on NPT as a non-discriminatory treaty and has repeatedly called for universal disarmament. In an interview to the BBC on February 7, 1993, the Prime Minister Mr. P.V. Narasimha Rao reiterated that non-proliferation cannot be made a regional issue by calling for five-nations summit or declaring South Asia as a Nuclear Weapon Free Zone. It is a global problem and has to be solved in global terms.

Because of the differences in security-strategic perceptions, South Asia remains a major test case for U.S. non-proliferation policy. It remains the only part of the world where three rival nations sharing disputed borders and torn by deep rooted animosities, face each other with nuclear weapons capabilities. Nuclear developments in the sub-continent have resulted in an implicit nuclear deterrence relationship between India and Pakistan and clearly put the region in the post-proliferation stage. Both countries have armed themselves with weapon-usable fissile materials and the capabilities to deliver nuclear weapons to aircraft or ballistic missiles. A study of the US-Indian nuclear cooperation and conflict is also a study of the failure and success of American non-proliferation



policy as well as of the wider multilateral arms control strategy.

India's nuclear policies have had a global impact in so far as they helped reshape the international non-proliferation system and the US nuclear exports policy. For example, the Tarapur fuel and safeguards issue has brought about major changes in US non-proliferation policy and the evolution of technology denial policies among the nuclear suppliers states.

In spite of India's declaration that peaceful nuclear explosion (PNE) in 1974 was an exercise to harness the atom for scientific researches to promote economic development, the American executive branch and Congress wielded the nuclear fuel supply issue to pressurise against any more nuclear explosion tests and to accept tougher international non-proliferation controls.

The loud reactions to Indian nuclear developments, particularly the PNE, led to the enactment of the 1978 US Nuclear non-proliferation Act (NNPA). The Act made fullscope safeguards a condition for most nuclear exports and sought to unilaterally and retroactively rewrite the US contractual international obligations.

The sanctions approach to proliferation has been an important element in US policy. Through NNPA, MTCR, Super 301, etc., the US administration has tried to pressurise India to sign the NPT. However, it has been seen that any

hope of dealing effectively with the nuclear proliferation problem in the long term cannot rely exclusively on export controls, and technology transfer control regimes. "Export controls can be used to buy time, but stemming proliferation in the long run will require strengthening the international norm against the deployment of nuclear weapons by all countries."

This fact has been recognised by the US administration and both US and India have made political compromises over the nuclear issue through official dialogues to take into account each other's perceptions and policies. For Washington, the continuation of US military and economic aid to India despite congressionally mandated non-proliferation conditions had reinforced a policy imperative that it balance its relations in South Asia by respecting India's dominant regional role and by promoting closer political cooperation with New Delhi through a resolution of the fuel supply dispute.

From the Indian point of view, the usual posture like 'keeping the option open' is an assertion of its right than to exercise it. It also reflects India's resolve to achieve nuclear self-sufficiency including the acquisition of enrichment and reprocessing technologies. The main controversy seems to be, while India is determined to master the entire fuel cycle technology which can as well be used to produce the weapons and expects the world to be

assured of its public renunciation of the bomb, the NPT regime expects India as well as other threshold countries not to acquire the knowhow at all.

With the increased awareness among the policymakers of both India and the US for arms control and international peace, a pragmatic approach towards non-proliferation measures must be undertaken by both. Ultimately, non-proliferation and disarmament will require increased transparency and openness on the part of all nations. Implementing nuclear CBMs, especially if it were done with an eye not only toward deep cuts but also toward moving from mutual deterrence to reassurance, would encourage a more equitable world order and discourage further proliferation.

There is a recognition among the US and Indian policy scientists that no single technological or legal stratagem will be sufficient to deal with the remaining proliferation challenges and to minimize the risk that nuclear weapons may be used. Rather broader strategies need to be tailored to the particular circumstances of each region and the individual countries concerned. These strategies need to integrate global and regional arms control, confidence-building, political and technological elements.

## CHAPTER - II

# ROLE AND RELEVANCE OF THE NPT

The Nuclear Non-Proliferation Treaty (NPT) was signed on July 1, 1968, by sixty-two nations including three weapon states, the United States, the United Kingdom and the Soviet Union. Since its entry into force in March, 1970, the Treaty on the Non-Proliferation of Nuclear Weapons has been a cornerstone of international efforts to prevent the further spread of nuclear weapons. Successive US administrations have worked to achieve universal adherence to the Treaty. With more than 150 parties, it has the largest number of adherents of any arms control agreement. The US, the UK and Russia, designated as depository governments in the Treaty, continue to encourage the few remaining non-parties to adhere to this important arms control treaty.

Three major objectives were cited for the pursuit of Nuclear Non-Proliferation Treaty:<sup>1</sup>

1. To prevent the further spread of nuclear weapons,
2. To foster peaceful nuclear cooperation under safeguards, and,

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<sup>1</sup>"Fact-sheet: Nuclear Non-Proliferation Treaty", *US Department of State Dispatch*, January 7, 1991.

3. To encourage negotiations to end the nuclear arms race with a view to general and complete disarmament (a goal added during the multilateral negotiations on the Treaty).

A major complaint of parties as well as non-parties about the NPT has been the discrimination inherent in it. Three aspects have been identified both within the Treaty and its implementation.

1. The way the Treaty appears to legitimise the fundamental difference between nuclear weapon and non-nuclear weapon states;
2. The unequal distribution of burdens among the parties to the Treaty;
3. The defects in the detailed implementation of the treaty which allegedly hamper access to civilian technology by non-nuclear weapon states.<sup>2</sup>

According to the protagonists of the Treaty the NPT was not designed for bringing in total nuclear disarmament. It was basically instituted to inhibit and stop proliferation of nuclear weapons and was the best course of action available at that time. The fact that so many countries have signed it goes to prove that a major part of the world believes in its efficacy as a non-proliferation

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<sup>2</sup>Harald Muller, "Smoothing the path to 1995: Amending the Nuclear Non-Proliferation treaty and enhancing the Regime" in John Simpson ed., *Nuclear non-proliferation: An Agenda for the 1990s* (Cambridge: CUP, 1987) p. 126.

measure.<sup>3</sup>

The end of the cold war and the collapse of the Soviet Union have increased the uncertainties of the present world order. Increased insecurities, the possibility of acquiring the ultimate weapon from the erstwhile Soviet states, the failure of the non-proliferation control regime to detect the Iraq and North Korean nuclear weapons programme and to stop Pakistan from crossing the rubicon, have all adversely affected the legal, normative and confidence building commitments to the NPT. In the new post-cold war world, every country seems to have been left to fend for itself. The incentive to acquire the capability that offers the ultimate deterrent is more pronounced than ever before and can be invested with legitimacy under the highly acceptable garb of national interest.<sup>4</sup>

In the light of these developments as well as the final review of NPT in 1995, it would be worthwhile to focus on certain key problem areas that would determine NPT's role and relevance in the present world order. Given the many political, military and economic uncertainties of the post-cold war world, it is argued by many, that a robust and credible NPT is even more essential. In this context, several Treaty articles are worth reviewing

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<sup>3</sup>Savita Datt, "NPT and the Non-nuclear Weapon States: Options and Non-options", *Strategic Analysis*, January, 1993, p. 913.

<sup>4</sup>Ibid. p. 912.

because they underscore the NPT's strength and highlight potential areas where contentious issues could arise in the review conference of 1995.

#### ARTICLE 1

"Each Nuclear-weapon state party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or explosive devices, directly or indirectly, and not in any way to assist, encourage or induce any non-nuclear weapon state to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices."

It will be noted that while the nuclear weapon states party to the Treaty are forbidden to transfer actual nuclear weapons to other nuclear weapon states, as well as to non-nuclear weapon states, a nuclear weapon state is nevertheless free"... to assist, encourage or induce... (another nuclear weapon-state) to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices "or control over them. This is inspite of the fact that they do not sit well with Article VI of the Treaty."<sup>5</sup>

In statements at the second and third review conferences and less frequently at the fourth, there were

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<sup>5</sup>David Fischer, *Towards 1995: The Prospects for Ending the Proliferation of Nuclear Weapons*, (Brookfield USA: Dartmouth; United Nations Institute for Disarmament Research, 1993). p. 29.

imputations that, by cooperating with Israel and South Africa, the Western nuclear weapon states party to the Treaty - and particularly the US - had breached their obligation under Article 1 not to help any non-nuclear weapon state to acquire nuclear weapon. The UK was also implicitly accused of helping South Africa to realise her nuclear ambitions.<sup>6</sup>

Thus, the actions of the nuclear weapon States, especially that of the USA, in impartially adhering to the non-proliferation commitments have always been questioned. Under Reagan US support to the regime appeared to ebb as he gave top priority to the perfection of the US nuclear arsenal, to the Strategic Defence Initiative and to helping Israel and Pakistan; in fact his Administration showed little taste for cooperation through international agencies.

It has been rightly observed that the real danger of proliferation lies not so much in the growth of nuclear arms and nuclear wars initiated by irresponsible states as in hysteria caused by unfamiliarity with the decision - apparatus and decision - psychology of states who possess nuclear weapons and nuclear arms.<sup>7</sup>

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<sup>6</sup>Ibid, p. 35.

<sup>7</sup>Ashok Kapur, *International Nuclear Proliferation: Multilateral Diplomacy and Regional Aspects* (New York and London: Praeger, 1979), p. 31.



Seen objectively, it is in the interest of other NNWS and even the holdout states that this article is implemented in spirit because any further proliferation of nuclear weapons is likely to complicate matters for the NNWS more than it does for the NWS. In the circumstances, it is likely that most of the NNWS party to the Treaty would support it in the forthcoming review conference in 1995. Iraq and North Korea's nuclear weapon programmes have highlighted the inefficacy of the existing non-proliferation regimes. International Atomic Energy Agency (IAEA) safeguards system was exposed as not geared for tackling clandestine activities. Pakistan also managed to cross the threshold on account of tax controls and national interest defined in narrow terms. The collapse of the Soviet Union has provided an ideal opportunity to mend the broken fences. From the perspective of NWS, their interests in this pursuit coincide now as never before with the increased risk of proliferation in the Third World.

Certain measures are being contemplated to remedy this situation. A review of export control of fuel cycle technology, nuclear materials and components is being undertaken. It is proposed that careful monitoring of all the transfers would be undertaken and all the defaulters would be duly reprimanded. This action is, however, likely to come into conflict with the peaceful nuclear aspirations of the non-nuclear weapon states. No action has so far been

contemplated by the NNWS to bring about a balance in order to ensure that their legitimate peaceful activities are not hampered and undue pressures and interference, direct or indirect, in their internal affairs is not resorted to. Action in this regard is imperative, especially because of the NNWS' undertaking under Article II of the Treaty.<sup>8</sup>

#### ARTICLE II

"Each non-nuclear weapon state party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapon or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices."

With isolated exceptions, almost 155 countries are honouring this pledge. Near universal good-faith adherence to the Treaty sends the signal that a world of many nuclear powers is avoidable, thereby influencing decision-makers and helping create a norm of non-proliferation. Looking ahead, for a number of countries like Japan, Germany, Turkey, Egypt and Saudi Arabia, NPT membership is a critical anchor on their possible responses to future

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<sup>8</sup>Savita Datt, *op. cit.*, p. 914-915.

regional political and military uncertainties.<sup>9</sup>

Apart from stopping the horizontal spread of nuclear weapons the task of diverting parts of the erstwhile Soviet Union's arsenal of nuclear weapons has been included in the non-proliferation agenda. This exercise has necessitated deep cuts in the nuclear armaments of both the superpowers, bringing in vertical proliferation of nuclear weapons within the purview of the non-proliferation efforts. This should, according to the NWS, take care of the NNWS' plea that the NPT is discriminatory and aims only at stopping horizontal proliferation. The present policy of deep nuclear arms cuts marks the second step forward toward achieving total nuclear disarmament.

As far as the NWS' strategies to institutionalise this clause (Art. II) are concerned, indications are that the NWS would cooperate to establish mechanisms to collect information through the use of National Technical Means (NTM). In order to prevent violation of the obligation undertaken by the NNWS under this clause, the IAEA <sup>NPT</sup> safeguards would be strengthened; in case of violations punitive measures as in the case of Iraq would be taken, and forced and challenge inspections are on the cards.

The fact that most Third World NNWS lack economic means to take care of their internal and external problems,

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<sup>9</sup>Lewis A. Dunn, NPT 1995: Time to Shift Gears", *Arms Control Today*, November, 1993.

which makes them vulnerable to such pressures should not be overlooked by the NNWs themselves. It is imperative and in their interest to direct their energies towards maintaining a balance whereby they are not subjected to blackmail and, at the same time, non-proliferation at the vertical and horizontal level continues.

ARTICLE III. 1

"Each non-nuclear state party to the treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the statute of the IAEA and the Agency in safeguards system..."<sup>10</sup>

The nuclear supply obligation under Art. III of the NPT are an essential legal, political, and normative foundation for multilateral as well as national nuclear exports controls. It provides, in turn, the legal basis for IAEA safeguard, to detect misuse of peaceful nuclear cooperation.<sup>11</sup> The IAEA, however, does not verify the other obligations that a non-nuclear weapon state accepts when it adheres to the Treaty.

It should also be stressed that if a NPT non-nuclear weapon state fails to conclude the required safeguards agreement with the IAEA and proceeds or continues to

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<sup>10</sup>"*Treaty on the Non-Proliferation of Nuclear Weapons*, July 1, 1968", Source: 21 UST 438, March 5, 1970.

<sup>11</sup>Lewis A. Dunn, op. cit., p. 14.

produce unsafeguarded nuclear material, that state is in breach of the Treaty but obviously not in breach of any legal obligations it has to the IAEA. Such obligations are created only when the State's safeguards agreement with the IAEA enters into force.<sup>12</sup>

The safeguards system, set out in INFCIRC/66/Rev. 2, is designed to check practically all significant elements in the fuel cycle, it is not commissioned to assess or verify the general nuclear policy or intentions of a recipient state. This assessment is left to the supplier country. The whole system, being quite cumbersome, was given up subsequently in preference for a new safeguard system which was specifically designed for the purpose. This is outlined in INFCIRC/153 and is used only in non-nuclear states which are parties to the Treaty. The verification system outlined in this also proved to be equally cumbersome and ineffective because the States accepted verification of only those activities which they declared for verification. Other nuclear activities which the states did not choose to declare could carry on without hindrance.<sup>13</sup>

On account of the weaknesses of the verification system as highlighted by the Iraq and North Korean examples, fresh thought is being given to make the system

IAEA

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<sup>12</sup>David Fischer, op. cit, p. 59.

<sup>13</sup>Savita Datt, op. cit, p. 917.

more effective. According to Lewis A. Dunn, "to ensure the continued effectiveness of IAEA safeguards, more stress will have to be placed on the political benefits they provide to all states and on the need of all states to cooperate to facilitate the job of the Agency. Without strong political support, the Agency cannot do its job. In addition continuous informal discussions among key technology holders and between them and the Agency's experts on the safeguards requirements for future facilities using plutonium will need to be brought to a successful conclusion. More broadly, the credibility of safeguards will depend, as now, on their vigilant application by the Agency and on the steady improvement of safeguards technology."<sup>14</sup>

#### ARTICLE III. 2

"Each state party to the treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material to any non-nuclear weapon state for peaceful purposes."

It will be observed that while Art. III. 1 requires action only by the non-nuclear weapon states party to the

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<sup>14</sup>Lewis A. Dunn, "Non-Proliferation Policies in 1995, or plus in change" in John Simpron ed., *Nuclear Non-Proliferation: An Agenda for the 1990s* (Cambridge CUP, 1987), p. 114-115.

treaty, Art. III. 2 appears to impose the same obligations on both nuclear weapon states and non-nuclear weapon states. In practice, however, the obligation falls more heavily on the non-nuclear weapon states, at least in relation to exports of nuclear material. There is no provision in the NPT for verifying whether any party to the Treaty, nuclear weapon state or non-nuclear weapon state, is complying with its obligations under Art. III. 2 with regard to exports of nuclear plant or equipment.

Apart from this, there is always an apprehension regarding the behaviour of threshold countries. According to William Walker, "the trading behaviour of the threshold countries among the emerging suppliers, principally Argentina, Brazil, India and Pakistan, is arguably the most important issue in nuclear trade policy. The resort to political and economic arm-twisting to ensure restraint by them is an insufficient remedy. Anxieties are compounded by their lack of allegiance to, indeed their historic rejection of, any of established set of trade rules."<sup>15</sup>

In respect of the diversion of nuclear fuel, it is proposed that NNWS accept intrusive verification and practice greater transparency in respect of the entire fuel cycle, which means that states voluntarily give information on their nuclear activities which are normally beyond the

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<sup>15</sup>Walker, "Nuclear trade relations in the decade to 1995" in John Simpson ed., *Nuclear Non-Proliferation: An Agenda for the 1990s* (Cambridge : CUP, 1987), p. 77.

purview of NPT if such information helps in alleviating certain doubts about the nuclear programme of a certain country.

All these proposals, though in keeping with the non-proliferation objective of the NWS (controlling horizontal proliferation) they do not indicate further progress in the forward direction. From the point of view of NNWS, it might be too much to accept then, especially in the changed security environment without any undertaking on behalf of those who themselves have promoted proliferation of nuclear weapons and technology and continue to depend on these weapon systems for their own security while denying the same to others.

#### ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this treaty.
2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in the fullest possible exchange of equipment materials and scientific information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or



together with other States or international organisations to further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear weapon states party to the treaty, with due considerations for the needs of the developing areas of the world.<sup>16</sup>

The provision of the Treaty does not carry any weight for the NNWS in the light of restrictive international trade practices, unilateral constraints imposed by the London club and the nuclear proliferation control regime. Added to these are the economic problems the developing countries face. These make them succumb to pressures from the developed world.

The question is often asked, if the economic development of mankind requires a proliferation of reprocessing and enrichment plants and great trade in plutonium and highly enriched uranium throughout the world, there is certainly a conflict between the needs of economic and social progress and the imperative of stopping the spread of nuclear weapons. Whatever argument there may be about the connection between nuclear power and proliferation, no one has alleged that the power uses of nuclear energy - the application of radioisotopes and radiation - can contribute to the spread of nuclear

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<sup>16</sup>"*Treaty on the Non-Proliferation of Nuclear Weapons*, July 1, 1968", Source: 21 UST 438, March 5, 1970.

weapons.<sup>17</sup>

The discriminatory obligation placed on the non-nuclear weapon states, but not the nuclear ones, to accept safeguards over their civil activities has been a source of continual complaint about the Treaty. It is often suggested that the complete separation of civilian and military nuclear fuel-cycles in nuclear weapon states, and the acceptance of legal obligations to extend safeguards coverage to their entire civilian fuel-cycle would ameliorate these problems.<sup>18</sup>

Recent evidence has shown that some ostensibly innocent exports regularly end up in unsafeguarded nuclear facilities despite the efforts of the Zangger Committee, the Nuclear Suppliers Group, and individual governments to prevent this. The closing of this "grey market" loophole is thus a pivotal task in enhancing the regime.<sup>19</sup>

During the first years there were many proposals that the IAEA and the industrialised countries party to the NPT should give preference to non-nuclear weapon-states party to the Treaty in transferring nuclear technology. There were well founded complaints that precisely the reverse had been happening - that non-nuclear weapon states not party

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<sup>17</sup>The Annual Report for 1989, IAEA, Vienna, p. 51-60.

<sup>18</sup>Harald Müller, op. cit, p. 126.

<sup>19</sup>Leonard S. Spector, *The Nuclear Nations* (New York: Vintage Books, 1985), Chapter II.



to the NPT were the chief beneficiaries of technology transfers, especially, nuclear power plants, and that even the sensitive nuclear processes of enrichment & reprocessing were being transferred to them rather than to the parties to the Treaty.<sup>20</sup>

#### ARTICLE V

"Each party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear weapon states party to the Treaty on a non-discriminatory basis and the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development...."<sup>21</sup>

Article V of the NPT, concerning PNEs, is occasionally criticised as legitimising the claims of non-parties to have a right to engage in programmes for the development of nuclear explosives. In practice, Article V can be considered obsolete, given the worldwide scepticism about the benefits of PNEs. Yet it does legally constrain all NPT non-nuclear weapon states parties from suddenly claiming they are embarking on a national PNE programme. By

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<sup>20</sup>David, Fisher op. cit., p. 129-130.

<sup>21</sup>*Treaty on the Non-Proliferation of Nuclear Weapons*, July 1, 1968, "Source: 21 UST 438, March 5, 1970.

prescribing on agreed procedure for utilising PNEs, in the unlikely situation where there existed an economic or technical case for doing so, it also closes rather than opens a loophole. Further, it makes it impossible for outsiders to legitimise their abstention from the Treaty by claiming that it prevents them from reaping the benefits of the use of PNEs, rather than mastering nuclear explosive technology "per se".<sup>22</sup>

The fourth review conference in 1990, in its draft final document was able to dispense with any reaffirmation of Article V and merely confirmed that "if the potential for the safe and peaceful application of nuclear explosions were demonstrated", the IAEA would be the appropriate intermediary.

#### ARTICLE VI

"Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."<sup>23</sup>

The article establishes a legal and moral imperative for the US and Russia as they seek to reverse four decades

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<sup>22</sup>Harald Müller, op. cit, p. 126

<sup>23</sup>*Treaty on the Non-proliferation of Nuclear Weapons*, July 1, 1968", Source: 21 UST 438, March 5, 1970.

of nuclear competition. But the obligations of Article VI apply, as well, to China, France and the United Kingdom, offering the needed means to encourage them to join future multilateral comprehensive test ban (CTB) treaty negotiations, place bans on production of plutonium and highly enriched uranium for weapons and join in a continuing process of nuclear weapon reductions.<sup>24</sup>

Seeing the constraints within which the NNWs which comprise mostly the underdeveloped and developing countries function, it is obvious that they have very limited options. They may be:

- (1) The first option is to follow the path of least resistance and let things remain as they are.
- (2) The second option is to accept strengthened safeguards and tightened controls which are in the offing, for a few concessions here and there, which are not in any way going to be sufficient to lift them out of the morass they are in.
- (3) The third option is to demand a treaty on nuclear disarmament which would finally lead to general and complete disarmament under strict and effective international control as mentioned in Article VI and which is a responsibility to be discharged enjoined on all states party to the Treaty.

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<sup>24</sup>Lewis A. Dunn, *op. cit.*

Other remaining Articles of the Treaty deal with the right of states to conclude regional agreements (Article VII), with procedures related to the amendments to the Treaty (Article VIII), accession and ratification procedures (Article IX), withdrawal from the Treaty (Article X), and Article XI informs about the languages in which the original Treaty has been drafted, their authenticity as original documents and placements in the archives of the Depository Governments.

During the negotiations of the NPT in the mid-1960s, a number of countries, including Germany, Italy and Japan, opposed a treaty of indefinite duration. Instead, as reflected in the Article X (2), it was agreed that after 25 years the parties to the Treaty would meet to determine by an absolute majority of all the parties "whether the Treaty shall be extended indefinitely or for an additional fixed period or periods." The extension and review conference will thus be held from Apr. 17 to May 12, 1995, in New York.

If past review conferences are a guide, the vast majority of NPT parties can be expected to acknowledge that, overall, the Treaty has helped to headoff runaway proliferation and has thereby added to their own security. At the same time, questions about the NPT's effectiveness are all but certain to be raised. Concerns about North Korea, Iraq, Israel, India and Pakistan will dominate the

proceedings.

Actions by the nuclear-weapon states in fulfilling their obligations not to assist other countries to acquire nuclear explosives, moreover, will be under scrutiny. In that regard, allegations of Chinese assistance to Pakistan's nuclear weapons programme may result in questions about whether the nuclear powers have met their obligations under the NPT.

When the conference to extend the NPT convenes in 1995, two of the key issues which will determine its outcome may well be which states are parties to the Treaty at that date and whether there exists any additional nuclear weapon countries beyond the original five.<sup>25</sup>

For many developing countries that are party to the NPT, both positive and negative security assurances from the nuclear powers continue to be seen as one of their *quid pro quos* for renouncing the right to acquire nuclear weapons or explosive devices. Since the NPT's entry into force in 1970, all five nuclear powers have also pledged not to use their nuclear weapons against non-nuclear weapon states party to the NPT, but only China's statement is completely unconditional. Calls for more encompassing, legally binding and less conditional security assurances

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<sup>25</sup>Goldblat and Peter Lomas, "The Threshold Countries and the future of the nuclear non-proliferation regime" in John Simpson ed., *Nuclear Non-Proliferation: An Agenda for the 1990s*. (Cambridge: CUP, 1987), p. 24.

will undoubtedly be part of the debate over the security benefits of the NPT.

In contrast with recent review conferences the contribution of the NPT in supporting the peaceful uses of nuclear energy may be a matter of considerable debate and division among the parties. Other developing countries may also challenge recent multilateral efforts to tighten still further nuclear - related export controls, in particular the 1992 agreement among the Nuclear Suppliers Group to put in place a new system of controls on dual-use exports.

The heart of this more traditional debate about the value of the NPT, however, will revolve around how well the nuclear weapon states are meeting their arms control and disarmament obligations under Article VI of the treaty. Again, comprehensive test ban negotiations will raise many complex issues and could bog down in rancorous debates over the scope, duration, verification and other details of an eventual treaty. Similarly, future multilateral negotiations to ban production of plutonium and highly enriched uranium for weapons or nuclear explosive or outside international safeguards also pose potential risks as well as benefits for NPT extension prospects.<sup>26</sup>

New actions are in order to meet longstanding calls by NPT non-nuclear weapon states for positive security

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<sup>26</sup>Lewis A. Dunn, NPT 1995: Time to Shift Gears, *Arms Control Today*, November 1993, p. 19.



assurances. Specifically, passage of a new UN Security Council resolution committing all five nuclear weapon state NPT parties to take action in accordance with their UN Charter obligations to NPT parties threatened with nuclear aggression or subject to nuclear attack would be a first step. The UN Secretary General also might be given explicit responsibility to track possible nuclear crises and report to the Security Council. The possibility also warrants consideration of reviving and revamping the UN's Military Staff Committee as a means to coordinate responses to future instances of nuclear blackmail or attack against NPT parties.<sup>27</sup>

The time has also come for the United States to adopt a posture of nuclear no-first use. Parallel commitments should be sought from Russia, France and the United Kingdom as well as a reaffirmation of China's earlier pledge not to use nuclear weapon first. Adopting no first use postures would end two decades of debate over negative security assurances.<sup>28</sup>

For the past three decades, the United States has always played a vital NPT leadership role, first in negotiating, then in successfully implementing, preserving and strengthening the Treaty. In 1992 and 1993, high level American NPT diplomacy to set the stage with many other

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<sup>27</sup>Ibid, p. 19.

<sup>28</sup>Ibid, p. 19.

governments for the 1995 extension and review conferences has virtually been on hold. Western writers opine that US leadership is needed now to shape the terms of the extension debate, to defuse potentially divisive if not destructive issues, to pursue vigorously President Clinton's newly proposed nuclear arms control initiative, and ultimately to rally support among all NPT parties for a renewable, long-term, if not indefinite, extension of the Treaty.

The 1995 Extension Conference would have before it many alternatives when it came to agree a recommendation on the future of NPT. It would include recommending:

- (1) An indefinite extension;
- (2) An extension for an infinite number of fixed periods (e.g. five years) linked to a negative procedure for extending the Treaty. Such a procedure could, for instance, involve the Treaty being automatically extended for a further period unless a vote on termination was requested.
- (3) An extension for an infinite number of fixed periods linked to a positive procedure for continuation by an affirmative majority vote at the end of each period;
- (4) An extension for a single fixed period which could be anything from three months to twenty five years. At the end of this fixed period, the Treaty would either automatically lapse or be extended following further

conference.<sup>29</sup>

In this context India's role in the 1995 review conference is important. The options available before India are:

- (1) As a first step, assume the leadership of the NNWS in apprising them of the opportunity 1995 offers them to make the world nuclear free.
- (2) Create the just demand for a Treaty on Comprehensive Nuclear Disarmament in return for renewal of the NPT, the accession to which could be simultaneous and universal.

Even if India or most of the NNWS were to wake up to the opportunity and exercise it to effect a mass exodus from the NPT, it is not certain that the NWS would accept a treaty on comprehensive nuclear disarmament because they know that it is not the NPT which has kept the countries from going nuclear. Mostly, it is their own wisdom and sagacity and requirement that has played the crucial role. They also know that a world without the NPT would not become totally nuclear. As far as safeguards and controls are concerned, the IAEA safeguards would continue despite the NPT and the rules related to materials supplied by supplier nations would continue to operate. What would

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<sup>29</sup>Simpson, John, "Nuclear non-proliferation in the 1990s, An Agenda of issues and policies" in John Simpson, ed., *Nuclear Non-Proliferation: An Agenda for the 1990s*, p. 208-209.

clearly be exposed in the eventuality would be the intentions of the NWS. India would be free to go nuclear without compunction in that case. The opportunity that Article VI of the NPT provide should, however, not be lost whether India goes nuclear or abides by the promises made by its leaders in the past.

An impartial perusal of the role of NPT in containing nuclear proliferation reveals that it has been by and large successful in containing the further spread of nuclear weapon technology. To a great extent it has achieved its original purpose - to slow down and reduce nuclear proliferation to a minimum. In 1962, when Leonard Beaton and John Maddox wrote a book on the spread of nuclear weapons, they could already foresee that Israel and India would become nuclear weapon States. Since then Pakistan has joined the group, whereas South Africa built-and then claims to have abandoned - a nuclear capability.<sup>30</sup>

But now the international community must decide how to fit the three de facto nuclear States - Israel, India and Pakistan, whose perceived need for a nuclear deterrent could be considered greater than that of the Western powers - into the treaty's framework when the NPT comes up for extension in 1995.

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<sup>30</sup>K. Subrahmanyam, "An Equal Opportunity, NPT", *The Bulletin of Atomic Scientists*, V. 49, June 1993, p.37.

A number of measures have been suggested to bring about a reconciliation in the perceptions of Nuclear Weapon States and Non-Nuclear Weapon States. There has been a strong argument in favour of a supplementary treaty without bringing about any alterations in the NPT. A supplementary treaty could be adopted that would bring all nuclear installations (in both nuclear-weapon and non-weapon States) under a universal non-discriminatory verification regime similar to that of the chemical weapons treaty.

The treaty could prohibit all future manufacture of nuclear weapons, impose a comprehensive test ban, and institute an intrusive, non-discriminatory verification regime on all countries.

Supporters of the NPT argue that a comprehensive test ban, a no-first use policy, and a cap on the production of fissile materials and weapons verification could not be achieved by individual agreements supplementing the NPT. However, the NPT highlights the distinction between weapon and non-weapon States in respect to verification. Extending the NPT would only signify a consolidation of the status quo; but a new treaty incorporating the above objectives would demonstrate that the world has made tremendous progress since 1968, when the NPT was originally signed.

# CHAPTER III

## INDO-US NUCLEAR RELATIONS IN THE COLD WAR ERA (1970-91)

### INDO-US NUCLEAR CO-OPERATION : GENESIS

The Indo-US nuclear co-operation started in mid 1950's not as a gesture of friendship, rather it took place more as a necessity and compulsion. At that time CIRUS was India's first foreign collaboration project. Though the major part of the technical effort of CIRUS was Indian, still it was built by Canadian assistance<sup>1</sup> under the 1956 arrangement. By virtue of this arrangement Canada would supply the fuel, but not heavy water as Canada was still dependent for its requirement of heavy water. Because of its compulsion, India turned to the US.

By this period, the US's most avowedly advocated policy of stringent limitations on nuclear co-operation and exports had given way for promoting peaceful uses of nuclear energy as a means of deterring nations to go nuclear. Basically, the American policy was influenced by President Eisenhower's "Atom For Peace" policy. Thus the US readily agreed to sell India heavy water, a critical component for any nuclear reactor.

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<sup>1</sup>G.G Mirchandani and P.K.S. Namboodiri, *Nuclear India*, New Delhi; Vision Books, 1981, p.140

An agreement for the sale of twenty-one short tonnes of heavy water was signed on March 16, 1956. This agreement did not specify any formal safeguards like the agreement with Canada. The agreement simply provided that the heavy water sold would be for use only in India by the Government in connection with research into and the use of atomic energy for peaceful purposes and should be retained by the Government, or by the parties authorised by the Government to receive it and not sold or otherwise distributed. At that time it was sufficient as there was no formal safeguard system and the IAEA was not yet established.

But the real Indo-us nuclear co-operation ( and conflict ) started in 1963 with the signing of an agreement "concerning the civil uses of atomic energy" in August 1963 which came into force in October 25, 1963.

In addition to nuclear co-operation India had more surprises. The US forwarded a \$ 86 million credit provided by the United States Agency for International Development to finance the foreign exchange component of the project<sup>2</sup>. The forty-year loan carried a low interest rate of 0.75 per cent with no amortisation required in the first ten years. Another long term American credit of \$ 14.5 million was provided to India under a May, 1966, agreement between the

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<sup>2</sup>Department of Atomic Energy, Government of India, *Annual Report 1963-64* Bombay, 1964, p. 20

U.S. and Indian atomic energy commissions, this was intended for the import of Tarapur's first fuel charge of 80 tonnes of enriched uranium oxide.<sup>3</sup>

According to the provisions of the nuclear co-operation agreement of 1963 the United States would sell India all the enriched uranium required for Tarapur during the 30-year term of the agreement (upto October 1993) with the uranium to be made available in accordance with the terms, conditions and delivery schedules set forth in a subsequent contract between the two parties. Tarapur's spent fuel could be reprocessed in India only upon a joint determination by the US and India that the safeguards provisions of the agreement for cooperation can be effectively applied to the plutonium extraction activity. The United States would have the first option to buy the Tarapur spent fuel which was in excess of the amount needed by India in its programme for the peaceful uses at nuclear energy.

As regards to safeguards, India simply pledged that the US-supplied equipment and materials would not be used for nuclear weapons or any other military purposes and would not be transferred outside the country without American approval. However, the peaceful clause, does not explicitly or implicitly prohibit the use of material or

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<sup>3</sup>Department of Atomic Energy, *Tarapur Nuclear Power Station*, Government of India, Bombay, 1964, pp. 2-3.



equipment for peaceful nuclear explosions of the kind the US had conducted in its "Plowshare" programme.

Under the pact, the United States agreed to sell nuclear fuel "in accordance with the terms, conditions and delivery schedules set forth in a contract to be made between the two parties." Such a "contract of sale of Enriched Uranium" was conducted in 1966 between the then US Atomic Energy Commission and the Indian Department of Atomic Energy.

As required by the Article VIII of the nuclear co-operation accord of 1963 India and the United States concluded a trilateral agreement with the IAEA at Vienna in 1971. Like the 1963 pact and the commercial fuel contract of 1966 this pact runs upto 1993. Tarapur, commissioned a year behind schedule in 1969, had the distinction of being Asia's first commercial nuclear power plant outside the former Soviet Union.<sup>4</sup>

Though Indo-US nuclear co-operation started in a very high note, the temper was lost mid-way and the coming years saw the most bitter of all the relationships between the two giant democracies.

#### **"INDIAN PLOWSHARE" - A NEW WORLD OF CONTROVERSY**

No other nuclear explosion has ever had so little physical fall-out and so much political-fall-out than that

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<sup>4</sup>M.R. Srinivasan, "Increasing indigenanization in Nuclear Power Projects", *The Hindu Survey of Indian Industry*, p.2.

of India's Peaceful Nuclear Explosion (PNE) of 1974. The explosion of Pokhran sent shockwaves to Washington culminating in an unprecedented Indo-American nuclear relations which saw its nadir. The PNE had a worldwide impact. It spurred the secret formation of the London club of nuclear suppliers, the reshaping of the international non-proliferation regime and the inclusion of dual-use items in western technology controls. It had also a major impact on US nuclear policy in general. It led to significant institutional reforms in US export-control policy, the enactment of the 1978 Nuclear Non-proliferation Act, the attachment of non-proliferation conditions to the Foreign Assistance Act by congress and the emergence of the sanctions approach to proliferation.

There was immediate impact of the PNE on India's political and nuclear ties with the west. Japan and Britain immediately cut bilateral aid, and the United States voted against loans to India at the International Development Association<sup>5</sup>. It led to a virtual nuclear trade embargo against India and provided a major impetus to the US to review its contractual fuel supply obligations under the 1963 Indo-US nuclear co-operation agreement. To make the matter worse, Canada, with whom India had signed an atomic cooperation agreement in 1963 also broke off its nuclear

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<sup>5</sup>Leonard S. Spector, "Proliferation: The Silent Period", *Foreign Policy*, No. 58 (Spring, 1988), p. 60.

relation with India immediately<sup>6</sup>. The effect of PNE upon the international community was so much that India was completely isolated from the western nuclear world. Indian scientists were no longer invited to technical conferences and the supply of nuclear components and materials completely dried up causing serious setbacks to India's nuclear programme<sup>7</sup>.

#### **TARAPUR CONTROVERSY: A POLICY OF CONTAINMENT**

The immediate cause of controversy between India and the US was relating to the fabricating the explosive device extracted from American fuel supplied to India under the nuclear co-operation agreement of 1963. Immediately after the PNE, Homi N. Sethna, the then head of India's atomic programme, announced that the implosion-type device was fabricated indigenously and the plutonium inside it was of 100 per cent Indian origin. Even India delivered a letter to the then US Secretary of State Henry Kissinger to the same effect that the plutonium involved had been manufactured by using 100 percent Indian material, technology and personnel. But, the authorities in the US did not seem to be convinced. A month later the US declared that the Indian nuclear explosion occurred with material that was diverted not from an American reactor under American safeguards but from a Canadian reactor that did

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<sup>6</sup>*New York Times*, May 23, 1974.

<sup>7</sup>*Washington Post*, October 14, 1976.

not have appropriate safeguards<sup>8</sup>. The reference was obviously to the CIRUS whose spent fuel it was presumed had provided the plutonium for the device.

Whatever may be the official stand, the American academic and strategic thinkers were divided on the issue - whether India violated the bilateral treaty that was signed between India and Canada while purchasing the CIRUS reactor. The agreement simply stated that "the reactor and any products resulting from its use will be employed for peaceful use only." Joseph S. Nye was of the opinion that the Indian PNE violated the spirit of the agreement if not the letters<sup>9</sup>. Another school of thought led by Gary Milhollin advocated that India actually violated the letters of the agreement. He advocated that in nuclear South Asia nothing is indigenous. Almost every essential facility in India had been imported directly, copied from imports or built with foreign designs<sup>10</sup>.

The US government took a policy decision after India's PNE that cutting off fuel supply for Tarapur would invalidate the 1963 agreement for co-operation and release from safeguards the "substantial quantities of plutonium" contained in the station's spent fuel - an action that

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<sup>8</sup>*Congressional Record*, Vol. 122, No. 93.

<sup>9</sup>Joseph S. Nye, "Non-proliferation: A Long-Term Strategy", *Foreign Affairs*, April, 1978, p. 605.

<sup>10</sup>Gary Milhollin, "Stopping the Indian Bomb", *American Journal of International Law*, July, 1987, p. 593.

would be "contrary to US non-proliferation objectives and to US national security interests. But there was no restriction on using the issue of fuel supply as a potent political weapon to beat India with. The Americans started playing the Tarapur card immediately after the Indian PNE.

Five shipments of slightly enriched uranium fuel for Tarapur became due between June 15, 1974 and April 1, 1975. The US Atomic Energy Commission cleared only the first shipment and demanded that India must adhere to two understandings before the other shipments could be made.

First, that the use in or for any nuclear explosive device of any material or equipment subject to United States Agreements for co-operation in civil uses of Atomic Energy is precluded; and

Second, that under the safeguards agreements related to such agreements for co-operation, the IAEA is responsible for verifying, *inter alia*, that the safeguarded material is not used in or for any nuclear explosive device<sup>11</sup>.

Predictably, this was rejected by the Indian government on the ground that this understanding did not flow from the Agreement for co-operation between the two Governments concerning the construction and operation of the Atomic Power station at Tarapur. Again in September

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<sup>11</sup>Bramha Chellaney, *Nuclear Proliferation*, Delhi, Orient Longman, 1993, p. 48.

1974 the chairperson of the US Atomic Energy Commission Ms. Dixy Lee Ray again reiterated her earlier demand of a written assurance from Homi Sethna that the special nuclear material that had been or would thereafter be made available for or used or produced in, the Tarapur Atomic Power Station would be devoted exclusively to the needs of that station unless the two Governments thereafter specifically agreed that such material be used for other purposes. Next day (on September 17, 1974) Sethna promptly sent Ray such an undertaking, employing exactly the words she had suggested.

This softening of Indian attitude was based on realistic calculation that a prolonged suspension of fuel shipments would shut down Tarapur and cause a severe power crisis in the western-grid. After this undertaking fuel sales resumed normally only to be scrapped very soon.

The real trouble started when the US Atomic Energy Commission was abolished and was replaced by the Nuclear Regulatory Commission (NRC) in late 1974. With the introduction of NRC the two applications for issuance of licenses to export fuel for Tarapur was inordinately delayed. As a reaction to sharp public scrutiny, NRC called for a public hearing which was unheard of in the US legislative history .

The nuclear exports to India were opposed mainly by the Union of Concerned Scientists, a group based in

Cambridge and two environmental organisations, the Sierra Club and the National Resources Defence Council. The most vital things that emerged out of the NRC's legislative-type hearing are -

First, by the end of 1977 a powerful political weapon had been fashioned. The NRC hearings laid the foundation of the US strategy to employ Tarapur's fuel licensing requirements as a double-edged weapon against India.

Secondly, India was relegated to the status of a nuclear dependent. As each fuel licensing application meant a close scrutiny of India's nuclear programme and policy, those parties prosecuting the case against India were free to bring in other issues, irrespective of US legal obligations under the agreement.

When NRC finally granted fuel licence, it was not regulated by the legislative type hearing but on the other hand it was more influenced by the intense political negotiations between the Carter administration and the then new Janata Party government in India. The licence was granted only after the formal announcement of the then prime minister Morarji Desai that India was in principle opposed to any kind of nuclear weapons and reiterated the policy not to use nuclear energy for military purposes<sup>12</sup>. Even he went one step further by declaring his government "does not consider any more nuclear explosions necessary

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<sup>12</sup>New York Times, June 18, 1977.

for peaceful uses.<sup>13</sup>"

#### "LONDON CLUB" - A FLORA OF NUCLEAR PRIVILEGED

High on the heels came the "London club" before first shipment could be made to the fuel-starved Tarapur Power Plant. Initiated by the US, the London Club of nuclear suppliers had three distinct goals - mainly to (a) prevent the export of "sensitive" technologies like reprocessing and uranium enrichment, (b) evolve a system of strict safeguards and physical protection standards and (c) monitor proliferation-related activity.

The 1974 PNE gave a death blow to the US nuclear policy of 'Atom for Peace' programme. Instead, a policy of denial and containment was replaced by nuclear co-operation. Though the US was the reliable supplier of nuclear fuel, in 1974 it stopped supplying any kind of feasible material to any non-weapon states<sup>14</sup>. The changes in policy and regime were prompted by concerns that the Indian explosion could set off a chain reaction of proliferation events.

The guidelines drawn by the London Club, were intended to plug the "loopholes" that India had been accused of exploiting. Those guidelines were based on a "trigger list" that had been drawn up by the 21-nation "Zangger Committee"

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<sup>13</sup>Time of India, (New Delhi), July 13, 1977.

<sup>14</sup>Michael J. Brenner, *Nuclear Power and Non-Proliferation*, Cambridge, Cambridge University Press, 1981, p. 58.



in August, 1974 which contained items whose export would trigger IAEA safeguards. The US led supplier's group agreed to use restraint in the transfer of sensitive technology equipment and materials and reached a consensus on imposing stringent safeguards on export of items on a long "trigger list". These new nuclear export guidelines drawn up by the NSG were a sweeping change of the ground rules that had existed until then. The guidelines made technology denial a cornerstone of the non-proliferation regime. While the NPT demands safeguards only on the export of nuclear equipment and material, the objectives of the "London club" guidelines include safeguards for technology too.

Contrary to expectations, this denial of technology has overtly helped proliferation as it failed to overlook the indigenous development of technology in the world<sup>15</sup>. In fact, the policy of containment through denial has led to the indigenous development of nuclear and fuel-cycle technologies in a country like India.

#### **MORE STRINGENT CONTROL: THE NNPA**

The most important change relating to non-proliferation after the PNE was the passage of the Nuclear Non-proliferation Act (NNPA) which was in the words of Paul Power is a complex web of prohibitions, inducements and

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<sup>15</sup>Bramha Chellaney, "South Asia's Passage to Nuclear Power", *International Security*, Vol. 16, No. 1.

controls<sup>16</sup>. When the NNPA was enacted the Tarapur issue was boiling up and the US was being drawn into a contractual obligation to supply fuel to the Tarapur Atomic Power reactor. The legislation's basic aim was to ride roughshod over the Indo-US agreement for co-operation by unilaterally imposing new fuel and spare parts and comprehensive safeguards as well on India. It is widely accepted that the Indian PNE culminated in the enactment of NNPA and its primary target was a undoubtedly India<sup>17</sup>. The NNPA went far beyond all the previous nuclear reform in many respects.

By virtue of this act a new category called "sensitive nuclear technology" was created which concerned any information which is not available to the public and is important to the design, construction, fabrication operation or maintenance of an enrichment, reprocessing or heavy-water production facility but does not include restricted data.

Again the act formally specified certain actions that would automatically cut off US nuclear exports. If, a non-weapon country, in the President's judgement is involved in certain activities like detonation of a nuclear explosive device, violation of IAEA safeguards or activities invoking special nuclear material and having direct significance for

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<sup>16</sup>Paul Power, "The Indo-American Controversy," *Asian Security*, Vol. XIX, No. 6 (June 1979), p. 581.

<sup>17</sup>Fancine R. Frankel, "India's Promise", *Foreign Policy*, No. 38 (Spring 1980) p. 63.

the manufacture or acquisition of nuclear explosive devices, then the actions can cause a cut off of US nuclear exports.

However, the vital clause by which India was affected was relating to reprocessing. The Act provided for a unilateral US veto over disposition of used fuel from any American-supplied plant, allowing the United States to unilaterally decide which customer countries may reprocess their spent fuel and which may not<sup>18</sup>. It permitted the US to approve reprocessing only if it would not result in "a significant increase of the risks of proliferation beyond those which existed at the time the approval was requested. The net effect at the conditions imposed by the Act was to block US government permission ever being given to a major "proliferation concern" country like India to reprocess American-origin spent fuel.

Perhaps, the most controversial provision of the Act, however was the requirement for fullscope IAEA safeguards. This meant a country importing any nuclear material from the US would have to open up all its nuclear installations including those it had built on its own to international inspection. In the case of India this in effect meant that the US would terminate supplies of uranium fuel for one power plant unless New Delhi opened to outside inspection

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<sup>18</sup>Donald Couchman, *Asking Too Much off our Nuclear Customers*, *Washington Post*, March 25, 1978.

its twelve other nuclear facilities that were in operation than without IAEA inspection<sup>19</sup>. Clearly, enough this position, at no cost, could be accepted by India.

The act's sweeping one sided change of the rules of nuclear co-operation evoked sharp reaction throughout the world. The concern of India was best voiced by Nani Palkhivala the then Ambassador of India in the US in the following words -

"I think this legislation does overlook the forces of nationalism, the forces of pride and national independence - politically it would be impossible for any government itself to ... this kind of imposition of discipline by an outside party. I do think it is the clear decision of the Indian government that it would not accept the imposition of fullscope international safeguards in the present circumstances."<sup>20</sup> The NNPA threatened to cut off supply that created a sense of confrontation and insecurity<sup>21</sup>. This feeling of confrontation and insecurity was most visible in the Tarapur case.

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<sup>19</sup>William Sweet, "The US-India Safeguards Dispute", *Bulletin of Atomic Scientists*, June 1978, p. 50.

<sup>20</sup>Quoted in Bramha Chellaney, op. cit., p. 84

<sup>21</sup>Joseph S. Nye, Jr., "Sustaining Non-Proliferation in the 1980's", *Survival*, Vol. 23, No. 3, (May-June 1981), p. 100.

## NUCLEAR CONFLICT AT ITS ZENITH

The US Nuclear NNPA had set two deadlines - one is relating to fullscope safeguards which was to expire in September, 1979, and the second on renegotiating and rewriting existing agreements for cooperation was to end in March, 1980. But, as things stood, India did not budge from its stand opposing comprehensive safeguards and rewriting of the 1963 agreement for co-operation. The matter worsened when the US government officials pointed out that Pakistan was enriching uranium clandestinely beyond 90% which was only to be used as weapons grade fission material.<sup>22</sup> This reports led to the declaration of Charan Singh, the then prime minister on independence day that India would reconsider its policy renouncing nuclear weapons "if Pakistan continues its efforts to make the Bomb."<sup>23</sup> /

Return of Mrs Gandhi as India's new PM saw a new era of confrontation with the US nuclear policy makers. Mr. Gandhi even went one step forward in declaring that India would not hesitate from carrying out nuclear explosions in the national interest.<sup>24</sup> By this the signal was sent to the

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<sup>22</sup>Paul F. Power, "The Indo-American Nuclear Controversy", *Asian Survey*, Vol. XIX, No. 6, June, 1979, p. 594.

<sup>23</sup>*Prime Minister's Independence Day Speech*, August 15, 1978, Official Text, New Delhi, Press Information Bureau.

<sup>24</sup>U.S. Senate, Committee on Foreign Relations, *Tarapur Nuclear Fuel Export*, September 15, 1980 (Washington, D.C., U.S. Government Printing Press, 1980), p. 3.

US loud and clear that India could not accept the continued delay and uncertainty over the fuel.

Meanwhile, some important international events took place which compelled the US executive to issue licence relating to nuclear exports. Following the Soviet Military intervention in Afghanistan and the rising tensions in the Persian Gulf, the US could not have afforded a "political breakdown" in relations with India. This was the same form why the US continued its military aid to Pakistan despite concrete evidence of a weapons programme in Pakistan.

Thus keeping all these political compulsions in mind, the Carter administration recommended to the NRC to approve seven Tarapur licenses, two for fuel exports and five for replacement parts. Carter's approval of the exports sparked a national furore in the United States. Resolutions to disapprove the sales were immediately introduced in the US senate and the House of Representatives. Though, decision of the Carter administration was defeated by overwhelming majority in the House, Carter won it with slender majority in the Senate<sup>25-26</sup>

#### MID-WAY APPROACH FOR SETTLEMENT OF THE DISPUTE

The sharp reactions in the congress as well as the Republican Party's election platform plank in 1980 were a

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<sup>25</sup>Washington Post, September 25, 1980.

<sup>26</sup>In the Senate, the Sale of the Uranium was justified by a margin of 48-46 vote.

manifestation that there could not be any more supply of US uranium fuel to India. Simultaneously, New Delhi mounted pressure on Washington by announcing publicly plans to reprocess the Tarapur spent fuel without US consent.<sup>27</sup> India had all along expressed its right to reprocess the fuel if the US reneged on its fuel supply commitments. In effect, what India was claiming was that it could and intended to begin reprocessing without waiting for a "joint determination" or a final termination of the 1963 agreement for co-operation.

Now the fuel supply issue had come to a point where India believed that both countries should seek an amicable nuclear divorce<sup>28</sup>. Both sides wanted to scrap what had become a contention-filled agreement. Both sides wanted what the then External Affairs minister P.V. Narasimha Rao called it a "decent burial".

In order to have an "honourable divorce" the two countries worked round the clock and after three rounds of strenuous negotiations and bargaining the deal was finalised during Ms. Gandhi's official visit to Washington in July, 1982. It was announced after two rounds of talks between President Reagan and Ms. Gandhi that the two governments, after consulting with the government of France

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<sup>27</sup>Michael Kaufman, "India to Reprocess Spent Nuclear Fuel", *New York Times*, February 5, 1981.

<sup>28</sup>*Washington Post*, February 4, 1981.

had reached a solution which envisaged the use of French-supplied low enriched uranium at Tarapur while keeping the 1963 agreement for peaceful nuclear cooperation in effect in all other aspects, including provisions for IAEA safeguards. This announcement was followed by the signing of an accord between India and France which was signed respectively by Homi Sethna and French Ambassador Andre Ross in November 26, 1982. Under this agreement France pledged to sell 20 tonnes of low enriched uranium to Tarapur every year upto October 1993.

The deal nevertheless represented, a major step in ending the acrimony and bitterness over the fuel supply arrangements since the Pokhran explosion. The US found a way of getting round the NNPA and the legislation's requirements for fullscope safeguards without losing out on safeguards at Tarapur. India, by agreeing to accept France as the supplier of fuel, eliminated American pressure and wrecked a soaring political weapon that the US Congress and the executive branch had jointly fashioned against India and at the same time, India ensured the continued operation of the Tarapur reactors.

#### **CONTAINING PROLIFERATION: BY DENIAL**

The conflict between the US and India on non-proliferation has not been restricted to nuclear issues but has extended to other security-linked technology areas. The US has worked assiduously to prevent the diffusion of key



technologies to major third world countries such as India, which has the world's third largest pool of scientific manpower. With its independent military programme and contempt for western technology-control institution, India heads the US list of proliferation concern countries. This is mainly because India has already demonstrated its capabilities to build nuclear weapons and deliver them over long distances. Technology controls have brought the world's two largest democracies in conflict for several major issues of non-proliferation and security.

The US is leading the non-proliferation regime in controlling the flow of advanced western technology to the Third World countries seeking to develop independent military capabilities. In order to deny technology so many structures have been devised viz. coordinating committee of Multilateral Export Control (COCOM), the Nuclear Non-proliferation Treaty, the London Club, the Missile Technology Control Regime and the Australia Group. (It is a consortium of supplier nations aimed at deterring the spread of chemical weapons capabilities).

India is denied the high-tech technologies on the ground that it might lead to proliferation. But most high-tech technologies are of dual-use and of vast industrial and economic use<sup>29</sup>. Many chemicals already banned in the US

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<sup>29</sup>*International Herald Tribune* (Singapore), April 13-14, 1994.

for export by the US and other western states have legitimate applications in pesticides, drugs, fertilizers, dyes or as ink for ballpoint pens. Even krytons, used as triggering devices in nuclear bombs, are innocuous industrial use items and are employed in photocopies.

In early 1990s the United States enacted a sanctions legislation designed to deter illicit export of missile components from the US. The pentagon, in its war on high-tech exports, even targeted inexpensive but powerful computer work station despite the easing of controls on computers by COCOM<sup>30</sup>. The nuclear suppliers group, led by the US established a working group in 1991 to expand and upgrade controls on dual use nuclear items. The Australia Group broadened its controls on chemicals, bringing in dual-purpose equipment and components and whole chemical plants.

President George Bush's Enhanced Proliferation Control Initiative - another US policy action aimed at tightly controlling the diffusion of advanced technology - came into force in 1991. The act is designed to strengthen the sanctions approach to proliferation. By virtue of this act license is mandatory for any item sold to a country "engaged in activities of proliferation concern". Obviously enough, this is practically aimed towards India.

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<sup>30</sup>Ibid, September 12, 1991.

Till recently, the Indo-US relations pertaining to nuclear question has been a kind of conflict and co-operation. In the future also, the degree or extent of conflict will be determined by the level and range of political co-operation. Two decades after the appearance of an openly pro-Pakistan "tilt" in US foreign policy, the world's two largest democracies appear to be mainly in the direction at cooperation. A varieties of international factor including the end of cold war, disintegration of Soviet Union and India's dependence on it, the decline of NAM and some domestic factors such as economic liberalization and liberal democracy have again brought the two nations closer.

But still there are some grey areas of potential conflicts such as non-proliferation and India's continual refusal to sign the dotted line, US sponsored multilateral efforts to apply even more instructive, police-style nuclear safeguards, denial of advanced technology to India, the Indian programmes to develop longer range ballistic missiles and nuclear power submarines, and US attempts to enforce safeguards on Tarapur beyond October 1993. This conflict was best manifested in May, 1992, when the US slapped a two-year-ban on US licensed exports to Glavkosmos and ISRO, the two space agencies of Russia and India respectively for going ahead with the sale of cryogenic rocket Engines to India. Again, the issue of renewing the

NPT when its terms expires in 1995 and American efforts to make India sign the treaty and open all its unsafeguarded facilities to outside inspection, are likely to breed US-Indian conflict.

**CHAPTER - IV**

**INDO-US NUCLEAR RELATIONS IN**

**THE POST-COLD WAR PERIOD (1991 - 1994)**

The world has gone through a momentous revolution with the collapse of communism in the erstwhile Soviet Union and Eastern European States. The consequences of the rapid and cataclysmic changes are so profound and far reaching that it is impossible to visualise the so-called new order. It would, therefore, be foolhardy to frame any long term and grandiose design for the future Indo-US cooperation in this fluid situation. India and the US will take time to adjust their policies to the developing environment.<sup>1</sup>

For most of the past 40 years, U.S. and Indian foreign policies have worked at cross purposes for more often than not. But there are reasons to hope that this will change, particularly with regards to arms control and nuclear non-proliferation, chances for success will improve dramatically if the United States treats non-proliferation as a first order interests not submerged by competing foreign policy concerns, and simultaneously places relations with India on a more regularised and

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<sup>1</sup>U.S. Bajpai, "US-India: Where do we go from here?" in Jasjit Singh (ed.), *Indo-US Relations is a changing world*, New Delhi; Lancer Publishers, 1992, p. 403.

institutionalised basis.<sup>2</sup>

In the last few years there has been a change in US perception in so far as it is trying to see South Asia as a region in its own right and a conscious effort to improve relations with India has been made. There are also indications that the US no longer views its relations with India as the outcome of a zero sum game between India and Pakistan. Its recent statements on the Kashmir issue and recognition of Pakistan's role in aiding terrorist and secessionist activity in India are testimony to this approach.<sup>3</sup>

In the post cold war period, one of the key challenges facing the Indo-US relations is the contentious issue concerning the signing of NPT. It has to be realised by both the sides that management of security and stability in the post cold war world will have to take the geo-political realities of changing equations of power and capabilities in the world.<sup>4</sup>

The recent US-Russian efforts at arms control, China's contribution to this effort, the impact of post-cold war

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<sup>2</sup>James F. Leonard and Adam M. Scheinman, "Denuclearising South Asia: Global Approaches to a Regional Problem", *Arms Control Today*, vol. 23, no. 5, June, 1993, p. 17.

<sup>3</sup>U.S. Bajpai, op. cit., p. 408.

<sup>4</sup>Jasjit Singh, "India's Strategic and Security Interests", in Jasjit Singh (ed.), *Indo-US Relations in a Changing World*, New Delhi; Lancer Publishers, 1992, p. 94.

dynamics on the strategic doctrines and calculations of the countries in the South Asia,<sup>5</sup> etc., are some of the issues which will determine the dimensions and influences of Indo-US nuclear relations.

In this backdrop, it would be worthwhile to examine the US policy initiatives regarding non-proliferation measures vis-a-vis India and India's response in the post-cold war period.

#### US POLICY INITIATIVES

In the words of a U.S. State Department Report entitled, "Security and Arms Control", halting the spread of nuclear weapons and guiding nuclear development toward peaceful ends have been central policy objectives of every US administration since 1945". According to the same Report, "US efforts today centre on strengthening international non-proliferation regime at three levels: the institutions of the International Atomic Energy Agency; the legal framework of the Nuclear non-proliferation treaty and the Treaty of Tlstelolco; and the legislative and policy structure of the US Nuclear Non-Proliferation Act.<sup>6</sup>

President Clinton's April, 1993 "Report to congress on progress toward regional non-proliferation in South Asia"

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<sup>5</sup>Teresita C. Schaffer, "U.S.-India Cooperation: Where do we go from here?" in Jasjit Singh (ed.). op. cit, p. 416.

<sup>6</sup>U.S. Department of State, *Security and Arms Control: The Search for a more Stable Peace*, Washington, D.C.; Government Printing Office, June, 1983, p. 5.

outlined the current policy toward South Asia. This policy aims "first to cap, then over time reduce, and finally eliminate the possession of weapons of mass destruction and their means of delivery."<sup>7</sup>

Broadly, there are three areas with which American non-proliferation interest is concerned.

1. Purely nuclear related concerns: slowing down or controlling regional military nuclear programmes by stemming or stopping the flow of nuclear material and technology to India and Pakistan, protecting the NPT, etc.
2. Till recently, containment of erstwhile Soviet influence in South Asia. With the disintegration of former USSR, further cooperation with Russia regarding nuclear non-proliferation issue becomes a policy imperative for the US. It is also important to ensure that if regional proliferation occurs it will not destabilise what will already be a very complicated global order.
3. Finally, there are a number of regional American interests at stake. America should favour the emergence of a stable and cooperative South Asian regional system based on Indian and Pakistan cooperation so that all regional states might better

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<sup>7</sup>Cited in Mitchell Reiss, "Safeguarding the Nuclear Peace in South Asia", *Asian Survey*, vol. XXXIII no. 12, December, 1993, p. 1116.



solve their pressing economic and developmental problems.<sup>8</sup>

From the US perspective, nuclear proliferation is seen as troubling not because of the number of weapons that it would produce, but because of the number of new decision centres it would produce, subsequently increasing the risk of nuclear accident, nuclear theft, nuclear transfer or nuclear war.<sup>9</sup>

From the perspective of proliferating states, Cohen believes that in South Asia, India and Pakistan have achieved the status of designed ambiguity, i.e. conscious and structured manipulation of their ambiguous nuclear status. The central challenge facing American non-proliferation policy in South Asia is to formulate policies which will be effective in this context of designed ambiguity, especially since both regional states seem to find the situation at least acceptable.<sup>10</sup>

Out of a number of alternatives, Cohen suggests that the US could adopt a modified, active, regional strategy that focused on freezing or containing the Indian and Pakistani programmes at the post-proliferation stage, while

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<sup>8</sup>Stephen P. Cohen, "Nuclear neighbours" in Stephen P. Cohen (ed.), *Nuclear Proliferation in South Asia : Prospects for Arms Control*, New Delhi; Lancer International, 1991, p. 3.

<sup>9</sup>Ibid, p. 16.

<sup>10</sup>Stephen P. Cohen, op. cit. p. 341.

protecting the NPT and other international agreements. He suggests three kinds of policy recommendations in this regard:

1. Short term to medium term efforts to encourage Indian and Pakistani policies to move in directions compatible with important American interests.
2. Longer term policies or actions which attempt to inform and enrich policy debates within India and Pakistan.
3. Shape the context of regional decisions. Much more can be done to influence Indian and Pakistan nuclear decisions by shaping their strategic political and economic environment.<sup>11</sup>

India's continual refusal to the application of IAEA full-scope safeguards and opposition to the NPT is considered to be at odds with the post-cold war developments - most notably the deep reductions under the START agreements, South Africa's dismantlement of its nuclear devices, and Washington's freeze on the production of fissile material and its decision not to deploy tactical nuclear weapons overseas - that have collectively diminished the importance of nuclear armaments in international affairs.<sup>12</sup>

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<sup>11</sup>Ibid., pp. 350-354.

✓<sup>12</sup>Mitchell Reiss, op. cit., p. 1109.

From the U.S. perspective, nuclear proliferation is the most serious potential obstacle to improved relations between India and the United States. While recognising India's sovereign right to retain its nuclear option and its belief that the Nuclear Non-Proliferation Treaty (NPT) is discriminatory, New Delhi is often urged to show sensitivity to this concern by making two important policy changes:

- (1) Without signing the NPT, India should unilaterally make a formal pledge to abide by the NPT provisions barring the export of nuclear weapons or of militarily related nuclear technology (a) requiring that any nuclear exports would be subject to International Atomic Energy Agency inspection in the recipient country to verify that militarily related technology is not involved, and (b) withholding from other states any technological or other assistance related to the development of nuclear weapons.
- (2) India should agree to join the five-power regional nuclear dialogue proposed by Pakistan and the United States, provided that all states involved agree to participate as equals and to accept an agenda in which reciprocal obligations involving all participants can be discussed.<sup>13</sup>

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<sup>13</sup>Selig S. Harrison and Geoffrey Kemp, *India and America after the Cold War*, Carnegie Endowment Group Report, 1993, p. 43.

Although India has not conducted a second nuclear test since 1974, US policy analysts believe that it continues to reprocess spent fuel to extract weapons usable plutonium. According to the CIA, India's vigorous R&D programme includes work on hydrogen weapons, and published reports estimate that India has a stockpile of up to forty nuclear devices.<sup>14</sup>

For the above reasons, US strategic analysts favour a full-scope safeguards regime in South Asia. It is argued that through the application of IAEA safeguards to all nuclear activities in both countries, the principal interests of both India and Pakistan can be preserved and reconciled with U.S. non-proliferation objectives. Both India and Pakistan are members of the IAEA and already accept safeguards on some of their nuclear installations; a full-scope safeguards regime would be extended to cover all their nuclear activities in accordance with agreements that Delhi and Islamabad would separately negotiate with the IAEA.<sup>15</sup>

However, it is realised by many US analysts that the negligible amount of American assistance given to India leaves the United States with little influence on this issue. To be effective, U.S. diplomacy must reformulate the

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<sup>14</sup>David Albright, Frans Berkhout, and William Walker, *World Inventory of Plutonium and Highly Enriched Uranium 1992*, New York; Oxford University Press, 1993, p. 167.

<sup>15</sup>Mitchell Rein, *op. cit.*, p. 1113.

South Asian strategic equation to persuade India and Pakistan to accept full-scope safeguards. The opportunity of civilian nuclear cooperation with the West, along with repeal of the Pressler Amendment, may provide the necessary inducement.<sup>16</sup>

It is believed that India's objections to fullscope IAEA inspections appear to have been motivated principally by the desire to preserve the option of developing nuclear weapons in earnest; particularly as a counter to Pakistan's emerging nuclear capabilities. It is pointed out that New Delhi's policy has been to refrain from overt steps to develop nuclear arms (which could carry heavy diplomatic costs) but to complete and operate the facilities needed to manufacture nuclear weapons material - the R-5 reactor, Trombay reprocessing plant, Madras I reactor, and Tarapur reprocessing plant - and, reportedly, to ready a nuclear test site so as to shorten the time that would be needed to produce the weapons should that decision be made later on.<sup>17</sup>

With Pakistan and India more constrained to satisfy the international community's interest in non-proliferation and regional development, the question for American policymakers is how best to proceed. Three possible

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<sup>16</sup>Ibid. p. 1118.

<sup>17</sup>Leonard S. Spector, *Nuclear Proliferation: The Spread of Nuclear Weapons*, New York; Vintage, 1984, pp. 40-60.

directions for policy are emerging.

1. The traditional position, with many advocates in the broader community of non-proliferation specialists is to insist that both countries eliminate their nuclear weapons capabilities and sign the NPT as non-nuclear weapon states. However, an NPT centred policy fails to recognise how thoroughly opposed Indian officials and citizens are to signing a document that divides the world into two classes of power: the few with nuclear weapons, and the many without. This policy suffers a further flaw in so far as its proponents rarely offer serious measures to redress the treaty's inherent discrimination.<sup>18</sup>
2. A second school of U.S. and South Asian non-proliferation specialists seek to manage overt proliferation. If proliferation is bound to occur anyway, they argue, the US should help to manage it by assisting such countries to build safe, survivable and stably configured small arsenals with centralised and efficient command and control system. However, open declaration of Indian and Pakistani nuclear weapon status will make it much more difficult to pursue disarmament, which, after all, remains the long-term

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<sup>18</sup>George Perkovich, "A Nuclear Third Way in South Asia", *Foreign Policy*, Number 91, Summer 1993, pp. 92-93.

objective of non-proliferation policy.<sup>19</sup>

3. The third policy seeks to construct a non-weaponised deterrence regime and is favoured to bridge the chasm between the valid interests of India and Pakistan and those of the international non-proliferation community. Such a policy takes advantage of the current ambiguity in Indian and Pakistan capabilities. It draws the line at building weapons and deploying missiles, seeking to keep both countries from moving up the nuclear ladder toward deployed arsenals. In the nearest term, the policy would require both countries to communicate their intention not to assemble or deploy nuclear weapons, and to accept the objective of devising mutual measures to heighten confidence that those intentions are being acted upon.<sup>20</sup>

In recent times, India is being confronted by one of the most determined initiatives ever by the Clinton administration to fore close the option of using nuclear bombs. Unlike in the past, the US is manoeuvring at several levels. At the bilateral plane, it is employing both powerful incentives and disincentives to get the countries to toe its line. Multilaterally, it is putting together a group of the world's most powerful nations to broker a deal in the subcontinent. And at the global level, it is

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<sup>19</sup>Ibid, pp. 95-96.

<sup>20</sup>Ibid, p. 96.

planning major disarmament proposal. This shift in policy stance was clearly evident in recent visits by the US Under Secretary of State Ms. Robin Raphel in March, 1994 and the US Deputy Secretary of State, Mr. Strobe Talbott in April, 1994.

The US government is trying to deal with nuclear proliferation issue at the bilateral level by providing various incentives and disincentives to India and Pakistan. The effort of the Clinton administration for a one-time presidential waiver to Pressler Amendment prohibiting military aid to Pakistan would enable the sale of thirty eight F-16 advance fighter aircraft worth \$ 658 million. The proposed deal entails conventional weapons security in the region and the promise of economic benefits in return for a verifiable capping or freezing of Pakistan's nuclear programme. In the words of the US Ambassador-designate to India, Mr. Frank Wisner, the F-16s are meant as an incentive to cap Pakistan's nuclear programme and will not alter the arms equation between New Delhi and Islamabad.<sup>21</sup>

As far as India is concerned, the US Deputy Secretary of State, Mr. Talbott's visit to India in April 1994 was intended to convince India that the sale of F-16s will not undermine its military dominance in the region. Later on, during the visit of the Prime Minister P.V. Narasimha Rao to US, it was reiterated by the President Clinton that the

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<sup>21</sup>*Times of India*, May 18, 1994.



US had no intention of putting pressure on India, especially in areas involving its national security.<sup>22</sup>

It has also been suggested in some quarters that US development assistance should be made "conditional" on Pakistan and India remaining non-nuclear, or perhaps related to overall military expenditures. In the past, the World Bank and the IMF were against allowing "political" considerations such as these to play a role in their economic decisions, but advocates of "conditionality" recently won with their argument that excessive military expenditures are an important negative factor in any economy. It is argued that formal or less formal linkage of foreign aid to non-proliferation might stir economic interest on the sub-continent to provide a fresh moderating voice in future bureaucratic battles over nuclear policies.<sup>23</sup>

At the regional level, the US till now had supported Pakistan's proposal for declaring South Asia as a nuclear weapon free zone mediated by the five permanent members of the Security Council. This proposal was extended to India once again in a modified form during Strobe Talbott's visit to India in April, 1994. He made an informal proposal for a nine-nation meeting to bring about nuclear disarmament in

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✓<sup>22</sup>*Times of India*, May 20, 1994.

<sup>23</sup>James F. Leonard and Adam M. Scheinman, op. cit, p. 22.

South Asia. The participants have been selected by what US diplomatic circles describe as a 5+2+2 formula. It includes the five permanent members of the UN Security Council: the US, Russia, China, France and the UK - which coincidentally are the five nations other than India which have exploded nuclear devices. Japan and Germany have been roped in because of their economic clout. If India refuses to play according to the US initiative a number of disincentives like conditionality on loans, trade sanctions, internationalising Kashmir issue, harping on human rights abuses, etc. may be used.

Among some sections of the US policymakers the integrated missile development programme of India is seen as a regional problem. According to some, India's missile programme is basically a regional question, its *Prithvi* and *Agni* missiles look like regional city busters; the *Prithvi* against Pakistan and the longer range *Agni* against China as well.<sup>24</sup> Others view that a subcontinental ballistic missile race has already begun. *Agni* may be a step forward in India's development of a long-range nuclear strike force.<sup>25</sup>

Despite India's reiteration that *Agni* is a "technology demonstrator", the US is apprehensive regarding its deployment and end use. Discussing the testing of *Agni*

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<sup>24</sup>James F. Leonard and Adam M. Scheinman, op. cit., p. 21.

<sup>25</sup>Philip L. Ritcheson, "Nuclearisation in South Asia", *Strategic Review*, Fall 1993, p. 44.

missiles, Leonard Spector says that no state has ever undertaken the enormously costly and complex task of developing intermediate-range missiles without arming them with nuclear warheads. It is improbable that India would deviate from this pattern, particularly when the principal adversary it hopes to deter through deployment of the Agni possesses nuclear armed missiles of sufficient range to reach targets throughout India.<sup>26</sup>

The *Agni*, currently under development can carry a payload of between 500 and 1000 kilograms to a distance of about 1,000 to 1,500 miles. US officials worry that if it is deployed, India could arm it with a nuclear warhead.<sup>27</sup>

India has already developed the *Prithvi*, a military missile capable of carrying a nuclear warhead to about 150 miles, sufficient to hit the majority of major cities in Pakistan.<sup>28</sup>

In May 1992, the Bush administration imposed trade sanctions for a two-year period on Glavkosmos, a Russian space trade company, and the Indian Space Research Organisation for a deal that would provide Russian rocket engines and production technology with military application to India. Washington argued the technology could be used in

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<sup>26</sup>Ibid. p. 14.

<sup>27</sup>David Albright, "India and Pakistan's Nuclear Arms Race: Out of the Closet but not in the Streets", *Arms Control Today*, vol. 23 no. 5, June 1993, p. 14.

<sup>28</sup>Ibid, p. 14.

the Agni programme and therefore violated Missile Technology Control Regime guidelines. India claimed the technology would only be used for non-military satellite launches.<sup>29</sup>

A significant shift in recent US initiative regarding regional non-proliferation process is its recognition that China has to be taken into account for any policy measures to be successful.

Whether or not it is a threat to India, the Chinese nuclear capability is a fact and India understandably does not like it. India has only three choices:

- (i) It can decide to do nothing;
- (ii) It can construct its own nuclear deterrent force, at numerous economic and military cost;
- (iii) it can work with the United States and Russia to move them toward radical nuclear disarmament that undercuts the basis for the Chinese deterrent force.<sup>30</sup>

The United States has a strong interest in encouraging India to choose the third alternative, and can be most helpful by drawing China into serious negotiations on lower and lower nuclear force levels. The United States should exert its own influence and encourage others to move the

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<sup>29</sup>Washington Post, "U.S. Imposes Sanctions Against Russian, Indian Concern over Rocket deal," May 12, 1992, p. A15.

<sup>30</sup>James Leonard and Adam Scheinman, op. cit., p. 22.

Chinese government on nuclear testing, fissile material cut off, arms reductions and related matters.

The US should also continue to press China not to sell missiles to Pakistan. It keep India informed on these talks so that Indian leaders appreciate the sincerity of US effort.<sup>31</sup>

While the suggestion are laudable the US administration is yet to take any concrete steps in this regard. China's impact on South Asia is fundamental because of its effect on India. India's pursuit of nuclear weapons is primarily attributable, not to Pakistan, although nuclear advances during the 1980s did accelerate New Delhi's efforts,<sup>32</sup> but to China. India's nuclear option, indeed its conventional rearmament since 1962 and its decisions to resist the nuclear non-proliferation treaty, has as its focus Chinese nuclear capabilities and the potential for nuclear blackmail in a future diplomatic confrontation.<sup>33</sup>

At the global level, US has made concessions to India's demands for a universal, comprehensive, non-discriminatory and verifiable non-proliferation measures. In September, 1993, at the UN General Assembly in New York,

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✓<sup>31</sup>Ibid, p. 22.

✓<sup>32</sup>David Albright and Mark Hibbes, "India's Silent Bomb", *The Bulletin of Atomic Scientists* (September, 1992), p. 28.

✓<sup>33</sup>Philip L. Ritcheson, op. cit., p. 39.

the US made India co-sponsor in its resolution towards a comprehensive test Ban treaty against nuclear weapons and a multilateral convention to ban the production of fissile material.

Achieving a comprehensive Test Ban Treaty which is universal in character would demonstrate the determination of the nuclear weapon states to reverse the steady upward course of the arms race since the outset of the cold war. For non-nuclear-weapon states, agreeing to a CTB and a cutoff would confirm their determination not to be drawn into their own nuclear arms race just as the cold war rivals and their allies are putting an end to theirs.<sup>34</sup>

The second major arms control measure on which the US should move to establish a cooperative relationship with India is a worldwide halt in the production of plutonium and highly enriched uranium (HEU) - fissile material produced specifically for use in nuclear weapons - or, more comprehensively, a ban on material which could be used for nuclear explosions.<sup>35</sup>

In addition to these core arms control measures, several other steps are favoured to support or reinforce numerical limits, including "no-first-use" policies and "positive" and "negative" security assurances.

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✓<sup>34</sup>James F. Leonard and Adam M. Scheinman, *op. cit.*, p. 18.

✓<sup>35</sup>*Ibid.*

During the summit meeting between the Indian Prime Minister P.V. Narasimha Rao and President Clinton in May, 1994, both leaders agreed that the most acceptable method would be to change the agenda from a bilateral one to a larger multilateral forum to endorse the proposed global comprehensive ban on nuclear tests and fissionable weapons production, both issues which India supports.<sup>36</sup> Rao, in his speech to the Congress, favoured starting with a global agreement on non-first use of nuclear weapons. The ultimate goal would be on elimination of nuclear weapons and a ban on missile testing and development.

#### INDIAN RESPONSE

India's response to the continued pressure to sign the NPT in the post-cold war world reflects a continuation of the principled adherence to comprehensive global disarmament along with a pragmatic approach of keeping the nuclear options open as an assertion of its national sovereignty.

Before going into the details of Indian response to recent US initiatives, it would be relevant to note that:

- India, even more than the United States has been committed to non-proliferation of weapons of mass destruction.
- at the same time there has been a substantive difference in approach to the very issue, especially

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<sup>36</sup>*Times of India*, May 20, 1994.

towards nuclear weapons and long range missiles. This, in the past has constituted a notable source of friction between the two countries.

- India's security is adversely affected by both the Chinese and Pakistani nuclear weapon capability. The situation of nuclear symmetry, in fact, places Indian security interests in serious jeopardy.
- India needs to seek international cooperation to work for denuclearisation (at least of non-strategic weapons) of Asia and the contiguous oceans (out to a distance of 5,500 km.) in order to remove the more immediate threat and danger of nuclear weapons in the region. This would naturally be an interim measure in working towards complete nuclear disarmament.
- the proliferation of ballistic and cruise missiles also leaves India with no option but to develop its own missile capability to provide an effective defence through strategic deterrence.
- at the same time there is need to work for universal elimination of missile of ranges in excess of 30-50 km.<sup>37</sup>

The Indian response to the US initiative has largely addressed itself to the discriminatory nature of the treaty and the relationship defined by the divergent security perceptions of both countries. ✓

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✓<sup>37</sup>Jasjit Singh, op. cit., p. 95.



According to Indian strategic analysts the debate on the question of nuclear weapons versus national security in the Third World countries has two dimensions: a more broad and realistic dialogue among themselves as well as with great powers. A country like India or Brazil is greatly influenced by its regional atmosphere and security imperatives rather than what will be the reaction of the world if it decides to go nuclear. The widely prevalent view is that the technical fixes coupled with the denial of economic assistance and other developmental aid can dissuade a country from going nuclear. The analogy of how the erstwhile USSR, the UK, France and China had taken the nuclear decision even when they were under pressure makes it clear that external pressure does have only limited effects.<sup>38</sup>

Referring to the attempt by Western Nations to make India a signatory to the NPT, Cecil Victor contends that the logic of strategic consensus epitomises the utterly discriminatory nature of the nuclear milieu. India's nuclear dilemma is genuinely moral. Having pleaded to the world to disarm and destroy nuclear stockpiles, it would be difficult for any Indian leader to order the manufacture of

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<sup>38</sup>D. Shyam Babu, *Nuclear Non-Proliferation: Towards a Universal NPT Regime*, New Delhi; Konark Publishers, 1992, pp. 55-68.

an atom bomb.<sup>39</sup>

In thin context some strategic analysts have suggested some policy imperatives in a comprehensive manner.

1. Mature, stable and pragmatic policy options for government if perceptions are indicative of exercising the nuclear option.
2. Highlight the problem areas in assuming nuclear stance thus providing pointers for adaptation of specific policies so as to arrive at a comprehensive organisation that would give credibility to the possession of nuclear weapons.
3. Indicate the areas in which urgent steps must be taken to achieve technological self-sufficiency other than nuclear weapons production.
4. An analysis of doctrinal options relevant to India's security needs and the structuring of a credible and cost effective military organisation.<sup>40</sup>

India has consistently called for all nuclear weapon states to join in a truly multilateral nuclear disarmament effort. India has even suggested a time-bound action plan to help this endeavour, with a set of matching obligations on the part of nuclear weapon states to undertake negotiations aimed at eliminating nuclear weapons, and

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<sup>39</sup>Cecil Victor, *India: The Security Dilemma*, New Delhi, Patriot Publishers, 1990, pp. 24-29.

<sup>40</sup>Vijai K. Nair, *Nuclear India*, New Delhi; Lancer International, 1992, p.5.

undertakings by "threshold" states not to cross the threshold. Despite demonstrating nuclear capability in 1974, India's record is not weaponizing the option since then has been exemplary, and stands out as a singular example of unwavering restraint in the atomic age.<sup>41</sup>

There is also wide consensus in India and recently among a section of the US policymakers that the proposal for Nuclear Weapon Free Zone in South Asia is not a viable proposition. In the strategic triangle of South Asia, the Sino-Pakistan entente has put India in a defensive position. It is China, not Pakistan, that has fixed an enduring pattern of insecurity for India.<sup>42</sup>

While confidence building measures between China and India are on, it would be wrong to conclude that India's threat perception vis-a-vis Chinese military-strategic programmes has become irrelevant in the post-cold war period. China's military acquisition and modernization strategies include goals like: forces capable of projecting power, undertaking combined arms operations, and a blue water navy.<sup>43</sup>

India objects to China's participation as a moderator and overseer in the proposed five-party regional talks to

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<sup>41</sup>Kanwal Sibal, "India: Seeking a Democratic and Non-Discriminatory New World Order," *Arms Control Today*, vol. 23, no. 5, June 1993, p. 9.

<sup>42</sup>D. Shyam Babu, op. cit. p. 55-68.

<sup>43</sup>Philip L. Ritcheson, op. cit., p. 41.

diminish tensions or denuclearise the sub-continent because it views China as its main security concern, and thus should enter the talks as India's equal. China's military-strategic assistance to Pakistan disqualify Beijing as a "disinterested party" in the talks. Aside from Beijing's unacceptable (to India) pre-conditions for entering any five-party regional talks, the very presence of China, stretching across the vast and inhospitable northern rim of the subcontinent, looms as a constant in India's calculus of deterrence and defence planning.<sup>44</sup>

Apart from the China factor, India has consistently maintained that Nuclear-Weapon Free Zone (NWFZs) in different parts of the world have limited utility. Nuclear weapons pose a global threat and would render less than effective any artificially demarcated NWFZ.<sup>45</sup>

While the US has consistently pressurised India to shelve its missile development programme, it has generated strong reactions in the domestic sphere. Defence experts argue that India must have a complete missile system if only for its deterrence value, external pressures to give it up notwithstanding. According to Maj. Gen. D. Banerjee, "India must develop a complete missile system to deter any neighbouring countries who are pursuing aggressive missile

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✓ <sup>44</sup>John J. Schulz, "Riding the Nuclear Tiger: The Search for Security in South Asia," *Arms Control Today*, Vol. 23, No. 5, June 1993, p. 7.

✓ <sup>45</sup>Kanwal Sibal, op. cit., p. 10.

programmes from launching missile attacks on India.<sup>46</sup> K. Subrahmanyam believes that deployment of Agni would make India a significant factor in international power politics. If it is followed by successful ASLV, PSLV and ICBM tests, then there can be no future international arms control negotiations without India's participation. India's voice will be heard with much greater attention than has been the case.<sup>47</sup>

According to Col. Arjun Kotoch, Indian policy makers must realise that words not backed by capability have no meaning. In today's world, the Indian government needs to integrate its nuclear missile programmes, formulate its aim and then single mindedly pursue them against the inevitable American pressure.<sup>48</sup>

While the US administration's efforts to prevent the deployment of Agni and Prithvi continues, there a recognition in the official circles regarding India's security concern vis-a-vis Chinese and Pakistan missile programmes. The US ambassador-designate to India, Frank Wisner, speaking before the Senate Foreign Relations Committee made it clear that "unless China slows down its nuclear programme, I do not see any hope of slowing down the nuclear programmes in India and Pakistan. I do not find

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✓<sup>46</sup>*Economic Times*, New Delhi, May 31, 1994.

<sup>47</sup>*The Hindu*, (Madras), June 2, 1990.

✓<sup>48</sup>*Hindustan Times*, New Delhi, June 9, 1992.

India's concern about China outlandists and without justification. This is quite normal."<sup>49</sup>

India has developed considerable expertise in nuclear, space and missile technologies, but has ensured this does not lead to proliferation. At the same time, India is against any ad hoc regime or cartel that try to restrict access to high technology, believing such measures can only lead to new forms of technological colonialism. Regimes like Missile Technology Control Regime and the Nuclear Suppliers Group are arbitrary unequal and patently discriminatory. They must become universalised, transparent and equitable. These efforts must lead to greater cooperation in peaceful applications of scientific and technological research and development, if they are to mesh with the goals of a new world order.<sup>50</sup>

If nuclear weapons are morally repugnant, they must be delegitimised, and some of the associated arcane deterrence theories questioned. While elimination cannot be accomplished easily, quickly or cheaply disabling them on an immediate basis would unalterably open the road to nuclear disarmament. Additional steps such as a non-use agreement, a comprehensive test ban treaty and a universal and verifiable freeze on fissile materials production for

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<sup>49</sup>Quoted in *Times of India*, New Delhi, May 26, 1994.

<sup>50</sup>Kanwal Sibal, *India: Seeking a Democratic and Non-discriminatory new World Order*, *Arms Control Today*, vol. 23 no. 5, June 1993, p. 10.

weapons would greatly help in creating a supportive environment for the disarmament objectives.

During the US Deputy Secretary of State Strobe Talbott's visit to India in April 1994 and the subsequent visit of P.V. Narasimha Rao to the US in May 1994, a perceptible change in the US policy orientation towards non-proliferation issue was evident. The US objectives, under the new approach on the nuclear issue in the region are:

- First to cap, then over time reduce and finally eliminate the possession of weapons of mass destruction.
- A unilateral or regional cut-off of fissile material production.
- A regional agreement not to conduct nuclear detonations and placing safeguards on new and existing nuclear facilities.<sup>51</sup>

It is clear that the dialogue that the US is proposing is basically a replication of earlier arms control treaties that it had negotiated with the erstwhile USSR. However, there is one major problem in trying to apply the same to South Asia. Major breakthroughs in arms reduction talks

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<sup>51</sup>. M. Satish, "US South Asia Policy: Bound to fail", *Economic Times*, May 12, 1994.

between the two superpowers have always come along with significant thaws in political relations between them. That is not the case between India and Pakistan. The perverse logic of participation, creation of Bangladesh in 1971 and the peculiar sub-continental social realities have only added to the growth of a disease of which Kashmir at best remains one very important symptom. The US approach appears to be that an agreement on nuclear non-proliferation and confidence and Security Building Measures (CSBMs) would reduce political tensions and lead to a solution on Kashmir. The ground reality is, however, precisely the opposite. A durable regional agreement on non-proliferation is possible only when the more fundamental issue of Kashmir is first satisfactorily resolved.<sup>52</sup>

Other factors that need to be satisfactorily addressed before any regional non-proliferation India's security concern vis-a-vis China as well as the nuclear powers of Central Asian Republics. Most military experts believe that the effective Indian response to this cannot but be to go about setting up a nuclear deterrent force and perfecting delivery system to have the capability to hit back at important political, economic and military - industrial targets in China even after taking a first strike.<sup>53</sup>

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<sup>52</sup>Ibid.

<sup>53</sup>Ibid.



Brahma Chellaney points out that the strong US pressure to deter the test launch of *Agni* ballistic missile in May 1989 and the subsequent effort to slowdown the Indian IRBM programme reflected the increasingly assertive US non-proliferation role and the kind of political hurdle India is likely to face in the future. In spite of all the differences there is a parallel and paradoxical prospect for US-Indian cooperation on non-proliferation issue - underscored by India's emergence as a second tier supplier. The US faces a painful policy dilemma; it cannot pursue an effective non-proliferation strategy without receiving cooperation from a country like India that itself has been a major target of western technology control regimes. On the other hand, India's own long term security interests demand that it contribute to non-proliferation by seeking to deter the spread of mass destructive weapons to countries in the Middle East and Indian Ocean Region.<sup>54</sup>

Nuclear proliferation remains the pinnacle of interest and concern of the US policy. No new state has openly joined the nuclear club since the creation of the Nuclear Non-Proliferation Treaty (NPT) in 1968; the recent addition of South Africa, the People's Republic of China (PRC), and France suggest that the regime will be extended when the

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<sup>54</sup>Brahma Chellaney, *Nuclear Proliferation: The US-Indian Conflict*, New Delhi; Orient Longman, 1993, p. 299.

treaty is up for review in 1995.<sup>55</sup>

If the US seeks permanent extension of the NPT in 1995 while also asserting its right to possess nuclear weapons in perpetuity, it may find that the cold war vintage bargain on nuclear weapons is no longer sustainable within the international community. Some states may opt to build nuclear bombs as a way to gain status in an international system dominated by nuclear powers, essentially as a political response to a political act by the US and almost without attentions to local consequences. Thus, US efforts to further delegitimise nuclear weapon and shrink its own arsenal are desirable.<sup>56</sup>

The trend towards seeking an indefinite extension of the NPT into perpetuity can only make the goal of complete nuclear disarmament more opaque. The NPT emerged from a unanimously adopted resolution that called for the elimination of nuclear weapons. Making an interim arrangement permanent would be repugnant to the conscience of the international community. The NPT Review and Extension Conference in 1995 is an opportunity for States to ponder the future of nuclear proliferation. The world

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<sup>55</sup>George Bunn, Charles N. van Doren and David Fischer, *Options and Opportunities: The NPT Extension Conference of 1995, Programme for Promoting Nuclear Non-Proliferation*, Mountbatten Centre for International Studies, University of Southampton, England, November 1991.

<sup>56</sup>Brad Roberts, "From Non-proliferation to anti-proliferation," *International Security*, vol. 18 no. 1, p. 172.

requires a nuclear non-proliferation consensus based on the twin pillars of universality and non-discrimination and the 1995 conference can help as a forum for this consensus to emerge.<sup>57</sup>

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<sup>57</sup>Kanwal Sibal, *op. cit.*, p. 10.

## CHAPTER - V

# CONCLUSION

The 1990s have ushered in irreversible, fundamental changes in international relations, creating new imperatives for the international security agenda. The era of bloc politics is being replaced by a cooperative world order, and ideology as the dominant theme in the international contest for supremacy and power has been supplanted by demands for economic prosperity and a shared concern for the environment, which can take root in an era of cooperative security. In this context, both India and the United States are committed to create a new world order that is universal, democratic and non-discriminatory. An overall assessment of the Indian and US positions on NPT reflect the dimensions and influences exerted upon each other at the politico-strategic and economic level.\

The continuous advocacy of sanctions approach, both at the economic and nuclear fuel supply level, by US Congress members and defence analysts reflects an ethnocentric bias ignoring the sensitivities of India's nuclear programmes. The China as a factor in India's security environment is always precluded by the US analysts and officials alike. The recurring exhortation for joint consultations among the US, Russia, China, Pakistan and India on controlling the

spread of weapons capabilities in South Asia, i.e., declaring South Asia as a nuclear weapon free zone, reflects the lack of US appreciation for India's geopolitical and strategic demands. The US policy assumes that South Asian proliferation could be managed and controlled in this way to deter India and Pakistan from moving beyond their bombs-in-the basement strategy and becoming overt or full fledged nuclear weapon States. The sanctions approach also arises from the perception of India as a regional power with global ambitions. In 1992, a leaked out Pentagon report suggested a check on the hegemonic aspirations of India and later on, the ban on Indian Space Research Organisation (ISRO) over cryogenic rocket engine issue reflect this perception.

The desire to maintain the politico-military supremacy and prevent threat to vital US regional and global interests is driving American policy makers to pay greater attention to ways to control the international diffusion of advanced, militarily significant technologies. Washington and Moscow have moved closer together on non-proliferation matters and could jointly seek to control South Asian proliferation.

India, on the other hand, has resisted the pressure to join the NPT on the ground of its discriminatory nature and has rejected the Nuclear Weapon Free Zone (NWFZ) proposals, including the proposal for a nine-nation talk as inadequate

in the given politico-strategic context of South Asia. Since the time of independence India has retained a high international profile and is not solely preoccupied with Pakistan but seeks the kind of influence and political-strategic freedom in South Asian region that are usually enjoyed by big powers which are also nuclear weapon states. To India, nuclear status has been used by major powers to project their mastery. Therefore, though nuclear weapons are not considered as a means defence they are regarded as a means of achieving political influence and status. To surrender a nuclear weapon option would imply that India was renouncing its claim to international status while acknowledging that of the NWSS.

In spite of differences on the nuclear issue, there is a recognition on both sides toward working out a common framework on the non-proliferation issue. Some of the policy measures suggested are :

- India would not join the NPT but would cooperate with the international community in promoting non-proliferation. In that context, India would make it known that though India would not sign the NPT, it would have no objection to the unconditional and indefinite extension of NPT in 1995. After 1995, ways of improving upon the NPT can be pursued by concluding additional treaties over and above the NPT would not, therefore, contradict the Indian stand on the NPT.

- India would continue to maintain the openness in operation of its nuclear power generation reactors and fully account for all inputs and outputs of materials into out of the reactors in accordance with international standards and will ensure that the nuclear power generation reactors will be totally dedicated to nuclear power and civil nuclear research.
- India would become an original party to the comprehensive test ban party.
- India has already sponsored, along with the United States, the resolution in the UN General Assembly for negotiations to bring about a universal non-discriminatory cut off of weapon-grade fissile materials production by all countries capable of doing it.
- India would campaign is high profile, along with China, for a no-first-use treaty on nuclear weapons. Both countries have been advocating this is the UN General Assembly since 1978.
- India would consider entering into discussions for an agreement of reciprocal nature with the countries of the region, including China, to refrain from deployment of ballistic missiles capable of delivering weapons of mass destruction.

On the above issues there are broad agreements at the unofficial level. If these suggestions could be translated

into practical realities by the concerned governments it would lead a long way towards universal disarmament. Such Indo-US cooperation on NPT should also enhance the Indo-US cooperation on technology transfer.

Though India has proven nuclear bomb and intermediate range missiles capabilities, it has shown remarkable resitance is not developing nuclear weapons. Because of this only, there is a kind of nuclear stalemate in South Asian region where both India and Pakistan are engaged in what is called perfecting the weapons option. While by refusing to join the NPT India has established the diplomatic right to exercise weapon's option, it is equally restrained by its continued objection to the global nuclear arms race.) India has not gone nuclear despite many fluctuations in the political-strategic environment both at the domestic and global level. The changes included, the end of Cold War hostilities and disintegration of former Soviet Union, the continuation of Pakistan's nuclear and missile programme, the change of leadership in India, internal uncertainties caused by separatist tendencies, and unsatisfactory socio-economic conditions. The economic crisis in India and the subsequent dependence on financial institutions dominated by Western powers has raised doubts about India's lack of manoeuvrability vis-a-vis the US pressure to sign the NPT. However, India has considered keeping the nuclear option open as an assertion of its



national sovereignty and has successfully resisted the pressure to sign the treaty in its present form.

In the years ahead, the non-proliferation issues on which there could be conflict between India and US include India's continued refusal to embrace the NPT, US sponsored multilateral efforts to apply even more intrusive, policy style nuclear safeguards, denial of advanced technology to India, the Indian programmes to develop longer range ballistic missiles and nuclear powered submarines, and the U.S. attempts to enforce safeguards on Tarapur atomic power plant, etc. The issue of renewing the NPT when its term expires in 1995 and American efforts to make India sign the treaty and open all its unsafeguarded facilities to outside inspections, are likely to breed US-Indian conflict.

The US wants to extend the treaty indefinitely and it has the support of the majority of NPT members. Countries like India who oppose the indefinite extension of the treaty - on the grounds that the declared nuclear - weapon powers should commit themselves to a comprehensive test ban beforehand - are likely to be placated by a U.S. promise to accept a test ban by 1997. Given the complexities involved, it does not seem likely that the treaty can be amended - too many fears have been expressed about the danger of revising the treaty. However, it has been forcefully argued in many quarters that a way can be found to develop a universal non-discriminatory regime through a

supplementary treaty without touching the NPT. Indian policy makers could argue in favour of such a treaty at various international forums for a which would reconcile both the US and Indian perceptions regarding non-proliferation.

From the Indian perspective, no Indian government could sign the NPT and survive. This is one issue on which there is broad national consensus. Indians feel that the US does not adequately appreciate the depth of public opinion in India about nuclear apartheid, which has nothing to do with India wanting to build a nuclear arsenal. The Western debate over nuclear issues in South Asia has never taken into account the psychology underlying Indian resistance to the NPT. Preaching to other nations that nuclear weapons have no military utility while continuing to maintain thousands of warheads not only fails to evoke credibility, it raises legitimate suspicions and fears about motivations.

In the light of widespread popular consciousness for peace all over the world in a post-cold war era, the pressure on India to join the NPT or similar agreement is sure to intensify in coming years. India has to adopt a pragmatic approach in dealing with this contentious issue. This would include investing the political capital in confidence building measures without forgoing the nuclear option, working for economic stability and intensifying its efforts for comprehensive global disarmament.

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