REGIMES AS LOCI OF STRUGGLE : THE NUCLEAR NON-PROLIFERATION REGIME AND INDIA

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CERTIFICATE

This is to certify that the dissertation entitled "**Regimes As Loci of Struggle: The Nuclear Non-proliferation Regime and India**" submitted by **Santosh Ojha** in partial fulfilment of the requirements for the award of the degree of **Master of Philosophy (M.phil)** of the university, is an original work and has not been submitted for the award of any other degree of this university or any other university to the best of my knowledge.

We recommend that this dissertation be placed before the examiners for evaluation.

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To

my parents,
who made me
what I am

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(SANTOSH OJHA)

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PREFACE

"The world is neither good nor evil... It is beyond both good and evil, perfect in itself... It is a great gymnasium, in which you and I, and millions of souls must come and get exercises, and make ourselves strong and perfect."

Swami Vivekananda

These words of Swami Vivekananda may seem out of place in a study of Regime theory and the Nuclear Non-proliferation regime, but they essentially capture the dilemmas of human existence and the strength and frailties of human nature. These words are, therefore, not only valid for the individual but also the institutions he creates and the organisations he builds.

Social science research, insofar it can be objective, therefore, should avoid value judgements and should focus on analytical rigour while exploring both sides of the coin. But it is a problem of human existence that man cannot disregard or get out of a particular set of knowledge and understanding that has shaped him and given him the power of judgement. Nevertheless, one can do justice to a research work, if one is able to analyse the dualities that characterise human institutions and human practices. This study of Regime theory and the Nuclear Non-Proliferation Regime is such an attempt.

"*Regimes as loci of struggle : The Nuclear Non-Proliferation Regime and India*" is inspired by James F.Keeley's article "Toward a Foucauldian analysis of International Regimes". Keeley, in developing a Foucauldian perspective to

International Regimes helps us understand the duality of human institutions. Thus, any attempt at the creation of an order does not rule out the existence of disorder; any attempt at forging cooperation in international politics, does not rule out the existence of conflict; and any process of integration does not obliterate a parallel process of disintegration. As a social scientist, we cannot make a sweeping judgement whether a particular network of cooperation is good or bad. It may be good for some actors but bad for others, and hence there is every possibility that those for whom it is bad may try to erect another set of cooperative relations that is beneficial for them.

This work will therefore study the Nuclear Non-Proliferation Regime as an attempt at the creation of an international order in the issue area of Nuclear Non-Proliferation. At the same time it will also study the challenges to that order or the stresses and strains in that order. It is here that the study of India's relationship with the Nuclear-Non-Proliferation Regime comes into picture.

The thesis will begin with an analytical review of the different theoretical approaches to the understanding of International Regimes. There is a need to find out how far 'Cognitivist' approaches supplement 'power' and 'interest'-based approaches in the study of Regime analysis.

Cognitivism has so far found less attention in the study of Regime analysis. As the information revolution sets us on a new path in the 21st Century the knowledge-base of societies has drastically increased. Identities have begun to matter and so has history. The process of globalisation and the universalism that

it purports to bring about has generated a new interest in cultural relativism and civilisational particularism. New historical facts are becoming known and history is in constant flux. That is the reason for more focus on cognitivism. But this is not to discount the fact that power and interest matter in regime creation and maintenance. It is our purpose not to supplant Realism and Neo-liberalism but to supplement them with cognitivism for a more broad based understanding of the Nuclear Non-Proliferation regime and India's relationship with it. It is here that the Foucauldian perspective is of immense help.

The questions that will sought to be answered include the following:

- How far does cognitivism & the Foucauldian perspective explain the evolution of the Nuclear Non-Proliferation Regime?
- In the Nuclear Non-Proliferation Regime a product of the hegemonic discourse of the West?
- How has Indian challenged this discourse and to what extent?
- What is the role of 'identity' and 'history' in explaining Pokhran-II?
- What is the future of the Regime and India's relationship with it?

Source of data collection is mainly secondary, relying on books, articles, policy statements and speeches. Primary sources like Government documents and reports have also been located. The methodology is 'Qualitative analysis'. The research has an explanatory and analytical orientation.

CHAPTER-1

INTRODUCTION : THEORETICAL APPROACHES TO INTERNATIONAL REGIMES

International Regimes have been a significant focus of study in International Relations/International organisation since the 1970s, which was a decade of major changes. The interest in regimes sprang from a dissatisfaction with dominant conceptions of international order, authority and organisation. The sharp contrast between the competitive, zero-sum "anarchy" of inter-state relations and the authority of domestic politics, seemed overdrawn in explaining cooperative behaviour among the advanced industrial states. The policy dilemmas created by the growth of interdependence since WW-II generated new forms of co-ordination and organisation that fit uneasily in a realist framework.

Intellectual traditions emphasising the "societal" dimension of international politics suffered, however, from a lingering taint of idealism. Realism questioned the importance of the Grotian tradition of international law as a constraint on state behaviour and by the 1970s, its positive study by political scientists was virtually moribund. The sub-field of international organisation, and particularly the study of regional integration (neo-functionalism) generated rich theoretical debates during the 1960s. Yet the sub-field remained closely

tied to the study of formal organisations, missing a range of state behaviour that nonetheless appeared regulated or organised in a broader sense.[1]

At the practical level, important changes occurred in the international system in the 1970s associated with the relative decline of US hegemony: the achievement of nuclear parity by the Soviet Union; the economic resurgence of Europe and Japan; the success of OPEC together with the severe international economic dislocations that followed it. Agreements that had been negotiated after World War-II were violated and institutional arrangements in money and trade came under enormous strain.[2] There was a theoretical void in explaining the role of International Organisations in explaining international governance.

Regime analysis attempted to fill this lacuna by defining a focus that was neither as broad as international structure, nor as narrow as the study of formal organisations. Regime analysts assumed that patterns of state action are influenced by norms, but that such norm-governed behaviour was wholly consistent with the pursuit of national interests.

Hence the regimes literature can be viewed as an experiment in reconciling the Idealism of the Grotian tradition and Realism – what can be called a new form of liberal institutionalism, which focussed on the possibilities of cooperation in international relations and the role of international institutions in fostering and nurturing cooperation.

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1 Stephan Haggard and Beth A. Simmons – "Theories of International Regimes", International Organisation, 41, 3, (1987) p.491.

2 Friedrich V. Kratochwil & J.G. Ruggie - "International Organisation : A State of the Art on an Art of the State" International Organisation, 40, (1986) p.759.

Conceptualising Regimes

Regimes have been defined in various ways as "institutionalised patterns of cooperation", "delineated areas of rule-governed activity", "formal or informal arrangements providing the institutional machinery to facilitate international cooperation" etc. The fundamental problem about the concept is its very "wooliness" and "imprecision". [3] Thus definitions and understandings of Regimes vary according to the degree of institutionalism that is accepted since Regimes are conceptual creations, not concrete entities.

However to begin with, a student of International Organisation has to go back to the "Consensus definition" of Stephen Krasner" : 'Regimes defined as principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area of international relations'.[4] Regimes are conceptualised as intervening variables between basic causal factors like power, interest and values and outcomes and behaviour on the other. The difference between Regimes and agreements is that agreements are adhoc while Regimes are more than temporary arrangements.

Principles and norms provide the basic defining characteristics of a regime : changes in principles and norms are changes of the regime itself. Changes in rules and decision-making procedures are changes within regimes.

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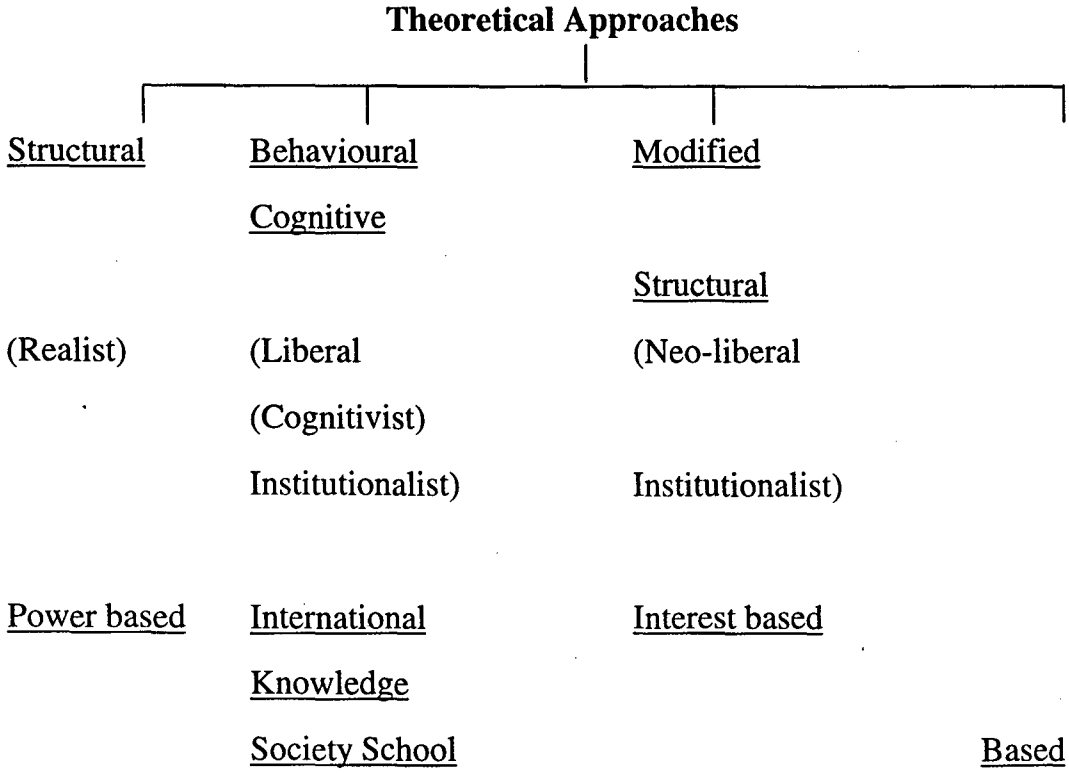
[3] Susan Strange - "Cave! hic dragones: a critique of regime analysis" in Krasner (ed) – International Regimes (Ithaca, N.Y.: Cornell University Press, 1983)

[4] Stephen Krasner - "Structural Causes & Regime Consequences : regimes as intervening variables" in Krasner (ed) International Regimes.

Different approaches

A good deal of the disagreement and confusion about international regimes stems from deeper epistemological and even ontological differences among observers. Our attempt will be to broadly outline the different approaches and then arrive at a better point of departure which could attempt to find a synthesis between differing Schools of Thought. Theoretical approaches to International Regimes can be classified thus:



To begin with the ***liberal institutionalist*** position, International Regimes are understood as the representation of shared values and norms which outlive changes in the distribution of power. Focussing on the behavioural aspect, ***Oran Young*** considers regimes as social institutions which govern the actions of nation-states engaged in specifiable activities. Like other social institutions,

International Regimes are distinguished by the conjunction of convergent expectations and patterns of behaviour or practice. The existence of such a conjunction ordinarily produces conventionalised behaviour or behaviour based on recognisable social conventions. However, this does not mean that actors, even those who acknowledge the authoritative nature of social conventions will always comply with the terms of these conventions. Thus there is every possibility of deviance.[5]

Donald J. Puchala and Raymond F. Hopkins argue that Regimes tend to have inertia or functional autonomy and continue to influence behaviour even though their norms have ceased either to reflect the preferences of powers or to be buttressed by their capabilities. Puchala and Hopkins also hold that Regime as an analytical concept under-emphasises the subjective and moral factors which could be overlooked in the study of International Relations.[6]

The ***Realists,*** on the other hand, relate regimes to interests and capabilities of states which reflect the underlying balance of power. A radical critic of Regime theory, ***Susan Strange*** argues that regime is a misleading concept that obscures basic economic and power relations. She rejects any significant role for principles, norms, rules and decision-making procedures and suggests a more value-free, more flexible and more realistic approach to comprehend the dynamics of international politics.[7]

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5 Oran R. Young – "Regimes dynamics – the rise and fall of international regimes" in Krasner (ed) International Regimes.

6 Donald J. Puchala & Raymond F. Hopkins – "International Regimes : lessons for inductive analysis" in Krasner (ed) International Regimes.

7 Strange, op.cit.

At best, realists would understand regimes as coordination attempts. Thus, if at all there are principles and norms, they are for coordinating strategies so that a mutually desired goal is not missed. It is to prevent oneself from getting into an unadvantageous situation that states conform to a regime while wishing to change the underlying principles. Thus, the post-war economic regime was created by the United States not as a benefactor but to promote its own long-term interests.

Realist theories of regimes emphasise relative power capabilities as a central explanatory variable. Hegemonic Stability Theory is a classic example of a power-based theory of international regimes which links the existence of effective international institutions to a unipolar configuration of power in the issue-area in question. But the limitations of the theory is more than obvious as it fails to explain the persistence of regimes in the face of hegemonic decline. Critics therefore point out that Hegemonic Stability Theory is hardly a theory of International Regime; rather it is in response to this theory that the contractualist theory or neo-liberal theory of International Regimes gained ground.

The ***neo-liberal institutionalist*** position begins with the basic premises of Structural Realism but goes beyond it i.e. it attempts a synthesis between Realism and liberal institutionalism (It is also referred to as Modified Structural Realism). This school falls under the formal rationalist utilitarian tradition which conceptualises states as self-interested, goal seeking actors whose behaviour can be accounted for in terms of the maximisation of individual utility. Here the neo-liberals are on the same footing as the Realists. The difference starts as neo-liberals depict states as rational egoists who are

concerned only with their own gains and losses. By contrast, realists insist that the utility functions of states are (at least) partially interdependent such that the gains from mutual cooperation that a state's partners achieve may diminish considerably the utility of the state and consequently its willingness to cooperate in the first place. This is closely connected with another difference between the two schools of thought: the emphasis by realists on the importance of power for the formation, the content and the impact of international regimes.

Important proponents of this position are Arthur Stein and Robert Keohane. ***Arthur Stein*** holds that Regimes arise because actors forgo independent decision-making in order to deal with the dilemmas of common interests and common aversions. They do so in their own self interest, for in both cases, jointly accessible outcomes are preferable to those that are or might be reached independently. Holding that the conceptualisation of regimes is interest based, Stein illustrates that the same forces of autonomously calculated self-interest that lie at the root of the anarchic international system also lay the foundation of international regimes as a form of international order. The same forces that lead individuals to bind themselves together to escape the state of nature also lead states to co-ordinate their actions, even to collaborate with one another.[8]

For ***Robert O. Keohane***, who has become synonymous with the mainstream rational tradition of international regimes, the study of regime theory is a study of international order and international cooperation in world politics. His interpretation of the international regime formation relies heavily on rational choice analysis in the utilitarian social contract tradition. Keohane scrutinises

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[8] Arthur A. Stein – "Coordination and Collaboration : regimes in an anarchic world" in Krasner (ed) International Regimes.

the "hegemonic Stability Theory" and finds that this theory fails to explain lags between changes in power structures and changes in international regime and does not account well for the differential durability of different institutions within a given issue area.

In his book, "After Hegemony", written in 1984, Keohane reaches to some of the same conclusions as the Institutionalist position but he does so on the premises of Realism itself i.e. "Rational Self Interest actors, in a situation of interdependence will value international regimes as a way of increasing their ability to make mutually beneficial agreements with one another." [9]

Analysing the post-war economic order formed under the hegemonic leadership of the U.S., Keohane argues that while hegemony may help foster cooperation through the construction of regimes, once formed regimes have their own inertia and may continue to exist inspite of hegemonic decline. In his functional theory of regimes, Keohane argues that non-hegemonic cooperation is possible and it can be facilitated by international regimes. Regimes contribute to cooperation not by implementing rules, but by changing the context within which states make decisions based on self interest.

Neo-liberals take two different routes to explain the emergence of regimes. First they have drawn on the work of micro-economists who have insisted that state intervention is not the only mechanism available to produce public goods. Extending this argument to the international arena, neo-liberals argue that even in face of hegemonic decline established regimes would continue to exist.

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[9] Robert O. Keohane – After Hegemony : Cooperation and Discord in World Political Economy (Princeton University Press, Princeton, 1984).

Although the Prisoners' Dilemma indicates that market failures occur because in an anarchic system there is an expectation that states will compete rather than collaborate, once states have moved away from the sub-optimal outcome resulting from mutually competitive strategies, them there is no incentive to defect from the mutually collaborative strategies and return to the sub-optimum outcome.

The second route explored by the neo-liberals has reinforced this conclusion. Once the Prisoners' Dilemma like situation persists in international politics, the "Shadow of the future" looms over the players, affecting their strategic calculations. Because the game will be played on future occasions, it becomes worthwhile taking a risk and pursuing a collaborative strategy in order to produce the optimum outcome. If all states can be persuaded to do the same, then there will be little incentive to defect in the future, because if one state defects, then others will follow. Thus a pattern of cooperation emerges over a period of time facilitating the formation of international regimes.

Another variant within the neo-liberal approach to International Regimes is the situation-structural approach, which is an extension of Keohane's argument to different kinds of "collective action problems" which regimes help to overcome. Thus apart from PD-like situations there can be other "problematic situations" which can be classified and analysed as coordination games. Thus, situation structuralists like Arthur Stein, Duncan Snidal, Kenneth Oye & Michael Zurn differentiate between collaboration regimes and coordination regimes. Collaboration regimes are comparatively formalised, often backed by international organisations, whose main tasks is to collect and disseminate information which helps the parties to assess the extent to which their partners

comply with the central provisions of the regime. In contrast, coordination regimes can largely do without compliance mechanisms : the cooperative solution, once it is found is self-enforcing. There is no problem of cheating. Thus the distinction between collaboration regimes (Dilemma of Common interests) and coordination regimes (Dilemma of common aversions) is a common tenet of all situation –structuralists.

However, though interest and power may be important factors helping in regime formation and maintenance, the role of ideas and knowledge cannot be under emphasised. The understanding of states as role players and states' own self-images play an important part in shaping their behaviour and action. And here the ***cognitivist*** conceptualisation of regimes comes into picture.[10]

In their review of the study of International Organisation, ***Kratochwil & Ruggie (1986)*** adopted the "Cognitive" approach , which is characterised by a shift of emphasis away from "overt behaviour" to 'intersubjective meaning and shared understandings'. In fact they reject a focus on compliance in assessing the existence and impact of norms and rules, arguing that norms are counterfactually valid. [11]

More significant than the fact of a rule having been violated is how such an incident is interpreted by the other members of the community (the community of states) and the communicative action (reproaches, excuses, justifications etc.) that it gives rise to. Kratochwil & Ruggie do not deny that studying these

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[10] Andreas Hasenclever - Peter Mayer, Volker Rittberger – Theories of International Regimes (Cambridge University Press, 1997) pp. 44-46.

[11] Kratochwil & Ruggie - 1986 op.cit.p 767.

phenomena requires an epistemology different from the one favoured by mainstream regime analysts, one that is less positivist in orientation.

Since the epistemology of positivism rests upon a "radical separation of subject and object" and mainstream regime analysis is committed to it, regime analysis suffers from a serious cognitive dissonance, as it were: "epistemology fundamentally contradicts ontology."[12]

Thus, the cognitivist approach to international regimes is in sharp contrast to the rationalist approach and stresses ideas and knowledge as explanatory variables. States' identities and interests are not exogenously given but are shaped by the normative and causal beliefs that decision makers hold, and consequently, changes in belief systems can trigger changes in policy.

Here, Regime formation and change can be understood in terms of learning where new knowledge can influence the demand for rule-based cooperation among states. The body of knowledge that actors hold at a given time and place is instrumental in assessing the circumstances and identifying their interests. Thus actors' interest is contingent on how they understand the natural and social world.

Radical Cognitivists like Harald Muller, Alexander Wendt and Robert Cox strongly critic the rationalist perspective and argue that international regimes are embedded in the broader normative structures of the international society. According to them, knowledge not only affects states' interests but is

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[12] Ibid. p.764.

constitutive of their identities : states as central actors in international relations do not merely hold a certain stock of knowledge which influences their choices in specific situations, but they are states only by virtue of a shared knowledge which spans international relations as a social space. Thus international institutions embody the cognitive structures that underpin international society and make possible, meaningful action within that society. Hence they are pre-requisites rather than consequences of rational choices. This explains the robustness of international regimes in stronger way than neo-liberals would suggest.

According to cognivists, international regimes add up to a "web of meaning" which makes sense of state conduct in specific issue areas and establishes the understandable linkages between otherwise unconnected sequences of action. To reduce regimes to technical ordering bodies therefore is highly misleading. In order to correct for this shortcoming of positivist accounts of rule-governed cooperation, cognitivists advocate opening "the positivist epistemology to more ***interpretive*** strains more closely attuned to the reality of regimes.[13]

The Cognitivists also take the Positivists/Rationalists to task for the distancing of observing subject from the observed object. According to them, this is fallacious as theory building in social sciences inevitably has both social origins and social consequences and therefore goes beyond simply describing and explaining an independently given reality. Theory is never a neutral image of society, but itself a causal factor in ongoing social conflicts which either

[13] Hasenclever, Mayer, Rittberger – op.cit. pp 154-166.

supports the existing order or promotes change. [14] From this stems the allegation that the research that is conducted along positivist lines tends to inhibit social change. To avoid the pitfalls of positivism, theory must become critical i.e. it must systematically reflect its own impact on the social world. Scholars should recognise that "knowledge is not independent of our existence, but is integral to social relations and has a social function" and this is why "theory must be able to give an account of itself."[15]

Here it would be worthwhile to outline the views of two scholars – ***Alexander Wendt & Robert Cox*** who advocate a radical change in the sociology of International Regimes.

Alexander Wendt provides a perspective, known as Constructivism, when he emphasises the power of identity in international politics. In Wendt's formulation, identities – which are defined us "role-specific understandings and expectations about self"[16] are at the same time constitutive of rational choices and shaped by the normative patterns of international politics. In this sense, and by analogy to persons, Wendt talks of the socialisation of states and the internalisation of norms and rules over time which have significant repercussions on the robustness of international institutions. Thus anarchy in international politics is not something given, it is what the states make of it[17]

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[14] Robert W. Cox – "Social Forces, States & World Orders : Beyond International Relations Theory "in Keohane (ed) Neorealism & its Critics (New York, 1986) p.207.

[15] Mark Hoffman – "Critical Theory and the Inter-paradigm Debate", Millenium 16 (1987) p.232.

[16] Alexander Wendt – "Anarchy is what states make of it : The Social Construction of Power Politics", International Organisation, 46 (1992) p.397.

[17] Ibid.

Robert Cox stresses the power of history both in international politics and in academic theorising. He argues that the identities and behaviour of states in the post-war era have been deeply affected by an encompassing hegemonic structure or world order of which international regimes form an integral part. This world order, or any social order, emerged from, and will break down in, historic conflicts. The hegemonic structure is a contested one and those who are privileged by it defend it while those who are disadvantaged try to change it. Cox holds that the neo-liberal theory is a part of the conservative project and serves the purpose of maintaining and defending the existing hegemonic structure. Neo-liberal regime theory takes sides in a historic conflict and serves to stabilise the existing world order.[18]

Foucault – A new point of departure?

An overview of all these approaches to regimes – realist, neo-liberal and cognitivist, brings us to the two levels of debate – that between realists and neo-liberals and that between rationalists and cognitivists. A synthesis of these two levels, however, is difficult. It may be argued that a division of labour between these schools in the explanation of different international situations is desirable. Thus, different schools of thought may apply in different contexts and any attempt at synthesis can be made possible only through contexualisation.

Can we look for another point of departure in regime theory which tries to provide some points of convergence between power, interest & knowledge?

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[18] Cox, op. cit.

A Foucauldian Perspective

Foucault provides a basis for uniting some features of cognitive and structural approaches to regime analysis and hence takes all – power, interest and knowledge into consideration. This alternative, drawing on Foucault's concepts of discourses, disciplines, resistance & power/ knowledge, directs our attention to patterns of understanding and organisation which may not be shared by all but around which an order may be constructed. This may help us to understand order-induced behaviour and behaviour that "makes sense" only within the framework of a construction of reality which may affect as well as reflect networks of relations in a society.

For Foucault, discourses and disciplines and instruments of "ordering bodies". They implement an analysis and give it a social reality, producing certain behaviours & conditions of life. Through social engineering, a hegemony is produced and behaviours are branded as 'normal' and 'abnormal'. Thus a discourse harvested to disciplinary techniques is productive as well as repressive. Through unforseen consequences and individual adaptations, the discourse and disciplines may also produce behaviour defined as deviant, which is then used to justify the maintenance and development of the system intended to control or eliminate it.[19]

Interpreted as a discourse/discipline set, a regime gives specific definition and order to a public space or realm of action. The ordering techniques of the regime provide means for observing, documenting, classifying, comparing,

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[19] James F. Keeley - "Towards a Foucauldian analysis of international regimes", International Organisation, 44 (1990) p.92.

assessing, individualising target actors as well as for correcting behaviour, punishing or repressing undesired behaviour, and producing desired behviour. The consensus definition of regimes can be treated in this way. A "public space" formulation recalls the various defining, coordinating, rule-making, monitoring and enforcement functions assigned to international organisations and international regimes. By their inherent nature, regimes in general are about shaping and controlling behaviour through the application of instruments in accordance with an analysis of reality in a particular issue-area.

This understanding of regimes therefore does away with the liberal notions of voluntarism, benevolence or cooperation and opens new vistas – that of resistance, strain & struggle. Thus according to Foucauldian analysis, Regimes are foci and loci of struggle – a study of regimes is not only a study of how order can be created and maintained but also how disorder and resistance can persist in the face of ordering efforts or even be created by them. This perspective then enriches regime analysis by capturing both the so-called "positive" & "negative" sides – conformist and deviant behaviour, which is basic to human nature and human society. Thus in the face of a "hegemonic discourse", "subjugated knowledges" may continue to exist & provide challenge, and the competition for reordering of the public space may persist.

"Power knowledge" generalises the concepts of disciplines and discourses and develops them in a network analysis. Foucault treats "power" as a network of relations – a structuring phenomenon, defining a space of interaction or a field of possibilities. Knowledge and power are connected, since knowledge defines and organises structures of relations, yet at the same time is implemented and therefore becomes a social reality through them.

Individual regimes are localised power-knowledges – specific arrays of analyses, issue-areas and disciplinary devices – in this network. Thus regimes are not merely formal arrangements but reflect and affect the deeper character, behaviour and understanding of actors.

This conceptualisation of regime helps in capturing contending discourses & techniques over a period of time which leads to a better understanding of the evolution of a regime. Thus the disputes, inconsistencies & vulnerability in a regime can be better appreciated. There may be disputes over the correct naming and evaluation of things, over applicable arguments and standards of judgement, and over objectives and mechanisms. Thus actors may employ various strategies to "exercise power" within or against particular network of relations and may struggle to create alternative networks. Successful regimes will be linked to significant networks and will suppress, absorb, or marginalise their rivals for control of a set of actors.

In a particular regime, four groups of actors may be located in the struggles –

a) The conformists – who cooperate with the regime.

b) The free riders – who want others to support the regime but do not help maintain it themselves.

c) The deviants and rebels- who challenge the order on the basis of subjugated or alternative knowledges.

d) The outsiders – who may affect the regime from outside.

The actions and behaviour of these actors help in understanding the growth or decline of the regime. Thus as James Keeley outlines, the Foucauldian analysis treats regimes as loci of greater or lesser, but inevitable, tension in which actors struggle to define the regime and the space it orders.[20]

The Foucauldian analysis of regimes thus emerges as a valuable theoretical tool in Regime analysis. In the next chapter (Chapter-II) the various theoretical approaches will be employed to understand the Nuclear Non-Proliferation Regime. We will try to find out how far do the cognitivist approach and the Foucauldian perspective help us in explaining the NNPR. Chapter-III will analyse India's relationship with the regime from the cognitivist and Foucauldian perspectives. India provides a good example of an actor which measures upto Foucault's emphasis on struggle, resistance and challenge, capturing life's grim reality and myriad possibilities. The thesis will end with an appropriate conclusion.

[20] Ibid. pp 98-99. TH-7922

CHAPTER-2

THE DYNAMICS OF THE NUCLEAR NON PROLIFERATION REGIME

"I am become death, the shatterer of worlds".[1]

This line from the Bhagavad Gita which flashed through the mind of J. Robert Oppenheimer, at Alamogordo on 16th July 1945, heralded a new knowledge and a new technology which was to help shape the nature of International politics in the post war era. Indeed, the arrival of nuclear weapons, the most powerful weapons devised by man, was to set into motion a process of interaction between technology and politics that resulted in the formation of the Nuclear Non-Proliferation Regime.

The attempt of this chapter will be to study this regime both from the theoretical point of view as well as from the behavioural aspect of the actors involved, concluding with a foucauldian perspective.

The Non-Proliferation Regime – a Regime?

Though there is immense literature in International Relations on the issue of Nuclear Non-Proliferation, the Nuclear Non-Proliferation Regime by itself has not received the attention that it deserves, both in theoretical and empirical

[1] Roger Hilsman, *From Nuclear Military Strategy to a World Without War: A History and a Proposal* (Connecticut: Praeger, 1999), p. 7.

writings. This is due to a more general absence of scholarly analysis in the domain of security in contrast to the field of international political economy where regimes in the issue area, for instance of finance, trade, food, textiles, ocean have been studied in detail. The reason is that mainstream regime theory is still dominated by the functional or neo-liberal analysis which focuses more on political economy.

The realm of security is different; regimes are more difficult to establish in the security area than in the economic realm because of the inherently competitive cast of security concerns, the unforgiving nature of the problems and the difficulty in determining how much security a state has or needs[2] (the area of nuclear armaments demonstrates how subjective the latter consideration has become). Nevertheless, scholars have looked at upto the non-proliferation regime as a system of cooperation concerning the horizontal spread of nuclear weapons.

Taking the consensus definition of Stephen Krasner of Regime as principles, norms, rules and decision-making procedures[3] we can move on to the non-proliferation regime specifically.

As its guiding principle the NNPR presumes that the proliferation of nuclear weapons would jeopardise prospects for international peace and security by exacerbating tensions and seriously enhancing the danger of nuclear war.[4]

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2 Robert Jervis, 'Security Regimes', in Krasner (ed.), *International Regimes*, (Ithaca: Cornell University Press, 1983), pp. 173-195.

3 Stephen Krasner, in the book edited by the same author, p. 2.

4 See Text the of 'Treaty on the Non-proliferation of Nuclear Weapons'.

Consequently, the appropriate behaviour for nuclear-armed states is not to assist others in attaining a similar capacity, and for states without nuclear weapons to forego their acquisition. Thus, according to Nye, the great danger is the "exponential curve of 'speculative fever'" in which a fear inspired, mad scramble to possess nuclear weapons raises tensions to a feverish level, and with those tensions the prospect of war.[5] The other principles on which the NNPR is based include the following:

- a principle that acknowledges the compatibility of a multilateral non-proliferation policy with the continuation and even the spread of the use of atomic energy for peaceful purposes.

- a principle stating a connection between horizontal and vertical nuclear proliferation (i.e. the notion that in the long run the proliferation of nuclear weapons can only be halted if the nuclear powers are ready to reduce their nuclear arsenals).

- a principle of verification[6]

These general principles have been translated into specific norms through the various injunctions of the Nuclear Non-Proliferation Treaty (NPT) and the International Atomic Energy Agency (IAEA) safeguards system which form the heart of the regime. The NPT explicitly lays out the essence of the "nuclear

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5 Joseph S. Nye, 'Maintaining the Non-proliferation Regime', *International Organisation*, 35 (Winter 1981), pp. 15-16.

6 Andreas Hasenclever, et.al., *Theories of International Regimes* (Cambridge: Cambridge University Press, 1997), pp. 9-10.

bargain" between the nuclear "haves" and the "havenots". The norms serve to guide the behaviour of regime members in such a way as to produce collective outcomes which are in harmony with the goals and shared convictions that are specified in the regime principles.

Harald Muller identifies such norms as:-

a) The obligation of NNWS to refrain from producing or acquiring nuclear weapons.

b) The obligation of all members not to assist NNWS in the production or acquisition of nuclear weapons.

c) The obligation of NWS to enter into serious negotiations with the purpose of concluding nuclear disarmament treaties.

d) The obligation of the NWS not to transfer nuclear weapons to NNWS.

e) The obligation not to export nuclear materials without international safeguards.[7]

The "basic bargain" that the NPT signified was that in return for foregoing the acquisition of nuclear weapons, the NNWS extracted from the nuclear states a commitment to provide them nuclear technology suitable for the development

[7] Harald Muller (1987), 'Regimeanalyse and Sicherheits Politik: das Beispiel Non-Proliferation', cited in Ibid, pp. 9-10.

of nuclear energy industries and to restrain the vertical spiral in nuclear weapon inventories. Underlying the explicit bargain was a tacit agreement : NNWS would not seek to acquire nuclear weapons so long as the nuclear states sustained a robust and expanding international economy and a system of relative free trade in conventional weapons.

A host of more specific rules convert the regime norms into concrete prescriptions or proscriptions; rule density varying considerably by regime norms.

Thus the norms pertaining to nuclear exports and verification have given rise to very detailed regulations, which make it possible to distinguish clearly between compliant and non-compliant behaviour on the part of the member states. Other norms, however, particularly those that create obligations specifically for nuclear powers, remain vague owing to the failure of regime members to reach agreement on corresponding rules e.g. rules regarding time-frame for disarmament.

The central locus of rules and decision-making procedures of the NNPR is the system of international safeguards, which is administered by the IAEA. The IAEA was created in 1957 to facilitate the diffusion of peaceful nuclear technology through the American programmeme, Atoms for Peace.

The programmeme was launched by President Eisenhower on December 8, 1953 at the General Assembly of the United Nations. It sought to promote the peaceful uses of atomic energy in return for strict safeguards to ensure that such technology would not be used for weapons purposes. Many nations were the beneficiaries

of the programme. Between the year 1956-62, the programme provided research reactors and fissile materials to 26 nations. These transfers did not include Uranium-enrichment facilities or Plutonium-reprocessing plants. Nevertheless, the transfers included equipment and technology that the nations which received them did not possess at that moment or would have taken a long time to develop (like the research reactors, power reactors and so on).

According to a strategic thinker and a former high-level policy-maker on proliferation issues, Joseph Nye, Jr., "The safeguards system is central to the basic bargain of the international regime in which other countries are assisted in their peaceful nuclear energy needs in return for their accepting the intrusion of safeguards and inspection".[8] These safeguards are necessary because they provide an agreed mechanism for demonstrating and verifying compliance with commitments not to divert safeguarded material to military use, they also provide detailed knowledge of the location, status, and use of safeguarded materials and equipment. Such knowledge is a necessary substitute for trust.

Also, rules and decision-making procedures can be found in each country's laws – especially the nuclear suppliers'. For example, according to the International Financial Institution Act of 1977, the U.S. must suspend any export-import bank loans to any country that terminates safeguards on U.S. exported material or nuclear equipment, this law also prohibits the extension of any new credits to a NNWS that subsequently detonates a nuclear device. The Nuclear Non-Proliferation Act of 1978 also became a critical component of the

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[8] Joseph S. Nye, 'Maintaining the Non-Proliferation Regime', *International Organisation*, 35 (1981), p. 17.

Regime as the Carter administration attempted to strengthen the non-proliferation regime by making nuclear export criteria more stringent.

Two other sources of rules and decision-making procedures appeared during the mid 1970s : The Nuclear Suppliers' Group (1974), and the International Fuel Cycle Evaluation (INFCE) (1977). The purpose of the Suppliers' Group was to establish guidelines for nuclear commerce that would keep commercial competition from undercutting safeguard obligations. INFCE, which had a goal to restrict the spread of weapons-grade plutonium, was actually tied more closely to the international regime given its much broader membership. INFCE has 46 members as opposed to 15 for the Suppliers' Group; INFCE also included states that were not well advanced in their nuclear energy programme.[9]

Finally, there are decision-making procedures with regard to amendment, Review and extension of the NPT itself.

Thus, there exists a Nuclear Non-Proliferation Regime where the NPT and the Statute of the IAEA form its normative backbone. Other documents like the London Suppliers' Guidelines, the safeguard rules in INFCCIRC/66 and 153 also form important components of the Regime. Beside, this there are a series of treaties banning the deployment of weapons of "mass destruction" from set geographical boundaries (the Antarctic treaty, 1959; the Outer Space Treaty, 1967; the Treaty of Tlateloco, 1967; and the Seabed Arms Control Treaty, 1972) also are important landmarks in the evolution of the Regime. The

Tlateloco treaty makes Latin America a nuclear weapon free zone, but it is not in force for Argentina, Brazil, Chile and Cuba. The Rorotonga Treaty declares the South Pacific to be free of nuclear weapons (except in transit), nuclear tests and nuclear waste.

Different theoretical approaches and the Nuclear Non-Proliferation Regime

We begin with the Realist theory of Hegemonic Stability which has three key propositions:-

a) Hegemons, given their power capabilities, are responsible for the formation of regimes.

b) Cooperation, enforced by the hegemon and provided by the existence of regimes, benefits not only the hegemon but also the entire system. The regime, in other words, is an international public good.

c) There can be a relative or absolute decline of the hegemon because of three principal reasons :- increasing costs of system maintenance, diffusion of technology and increasing internal consumption vis-à-vis domestic investment. Cooperation may continue despite the hegemon's decline.[10]

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[9] Roger K. Smith, 'Explaining the Non-Proliferation Regime: Annomalies for Contemporary International Relations Theory', *International Organisation*, 41 (1987), p. 260.

[10] Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little Brown, 1977), pp. 32-39.

A widely shared interpretation of post war history of non-proliferation affirms the validity of the first key proposition. In the 1950s and 60s the United States, largely by virtue of its pre-eminence in nuclear commerce, was able to forge and progressively upgrade an international consensus that served both its own self-interest and the general welfare.

In the 1940s, the U.S. was in a position of systemic hegemony in the field of nuclear energy and weaponry and it is very natural for a hegemon to seek to maintain the conditions that gave it unrivalled power. Hence, at the Quebec Conference of 1943, in an effort to keep Nazi Germany from developing an atomic bomb, Britain and the U.S. agreed not to transfer information regarding the atomic bomb project to third parties.

Thus as nuclear technology started becoming a factor in inter-state relations, the seeds of a non-proliferation regime were sown. However, this policy of selective denial was transformed into a policy of comprehensive denial in the immediate post-war years. Based on the recommendation of the Acheson-Lilienthal Report, the U.S. offered to work out arrangement for the international ownership and control of all nuclear materials and facilities in the 1946 Baruch Plan. However, pending agreement on such an arrangement with appropriate international safeguards, the U.S. prohibited, through the MacMohan Act of 1946, the export of nuclear materials, equipment or technology to any nation. With the failure of the Baruch Plan, due to the U.S. refusal to grant the Soviet Union, American nuclear policy became one of extreme denial – a policy to preserve the American nuclear monopoly position.

Such a restricted non-proliferation regime stands in sharp contrast to the trade and financial regimes that the U.S. built in the post-war period. The trade regime was based on the unhindered operation of the marketplace and combined with American aid policies sought to create a system of economically strong and competitive states. Thus, the U.S. deliberately pursued a set of policies and institutions that would reduce American political and economic hegemony. This was in the long term interest of the U.S. i.e. a challenge to its hegemony was necessary to keep it moving. Compared to this, the non-proliferation regime that the U.S. built between 1946-53 was short-lived and had to be replaced by a new set of policies and institutions in 1953.

From this we can conclude that the policy of extreme denial on nuclear issues did not work. This is because the nuclear 'problem' is rooted in knowledge – scientific knowledge and understanding which cannot be bottled up and prohibited from distribution. Thus the "solution" to the associated dangers of nuclear energy use in both peaceful and bellicose forms is only partially amenable to technical remedy : fundamentally the solution lies in the patterns of social and political interaction that man fashions. By 1952, without any direct assistance from the U.S., two other nations had joined the nuclear weapons club (Soviet Union 1949, Britain 1952) and several others had embarked on extensive civilian nuclear programmes.

Realising that the policy of extreme denial did not work and with its nuclear monopoly ending, the U.S. embarked on a policy of controlled constructive cooperation through the 1953 Atoms for Peace programme. In return for access to nuclear technology and materials, recipients would give assurances of peaceful use and would accept safeguards to verify compliance with those

assurances. The Atoms for Peace Programme was more than an attempt to create a nuclear weapons oligopoly; it was a recognition that knowledge cannot be held and exploited exclusively by one nation. The new American policy was based on the assumption that while other nations could not be prevented from acquiring nuclear weapons, nuclear cooperation could elicit "peaceful use commitments" and thereby get U.S. a foothold among nuclear have-nots.

The Atoms for Peace programme was to later get institutionalised through the NPT which evolved a set of injunctions to constrain states from acquiring weapons – this was lacking in the 1953 policy. The reasons for the switch in American policy, beyond the futility of a denial strategy, were threefold : the need to reduce alliance tensions; the desire to expand commercial possibilities; and the hope that peaceful nuclear cooperation could be turned to American advantage in the U.S.-USSR arms race. The conditions for American support of a NPT were similar, but instead of seeking advantage over the Soviet Union, American leaders signed the NPT with the hope of furthering détente. Consequently, the NPT deliberations exacerbated tensions within the Atlantic alliance particularly with the FRG which saw the NPT as an attempt at nuclear rapprochement between the superpowers that would be contrary to European interests.[11]

The NPT institutionalised a regime by enlarging and making more explicit the "bargain" first made through the Atoms for Peace programme. For the first time, recipients of nuclear equipment and fuel were asked to renounce formally

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[11] Smith, op. Cit., pp. 264-266.

the development of nuclear explosives and to accept safeguards on their entire nuclear programmes, including both indigenous and foreign-assisted activities and facilities. On the other side, nuclear suppliers pledged to provide the "fullest" possible exchange of nuclear information and equipment consistent with peaceful uses of nuclear energy. It was the second half of the nuclear "bargain" that brought US proliferation policy into an alignment that was consistent philosophically and effectively with much of the American post-war regime building. It was philosophically consistent in that it embraced the principles of classical liberal economics. Effectively, it firmly established the conditions for American decline in the nuclear energy market, a decline that was progressively reflected in the establishment of the Nuclear Suppliers' Group (NSG) in 1974, the 1975 West German sale of enrichment and reprocessing technology to Brazil, the French sales of export reprocessing facilities to South Korea and Pakistan, and the creation of INFCE (International Fuel Cycle Evaluation) in 1977. The NPT and the regime it institutionalised helped to create a set of market conditions that differed radically from what had prevailed before. Previously, nuclear energy was a "Sellers' Market" due to the presence of only one supplier of commercially viable technology and equipment. Now, in a highly competitive "buyer's market" a growing number of countries were vying for sales at a time when the market is depressed.[12]

An overview shows that the development of the nuclear non-proliferation regime reverses every core proposition of the theory of hegemonic stability. The theory states that a hegemon will encourage cooperation, that a regime will not be possible without a hegemon's initiative and effort. While the U.S. did

[12] Herald Muller, et.al., *Nuclear Non-Proliferation and Global Order* (Oxford University Press, 1994), pp. 10-26.

eventually encourage cooperation, it saw no reason initially to link the development of peaceful nuclear energy and nuclear weapons so long as it appeared able to control the process of technological diffusion. As Ernst B. Haas notes, "The desire to construct the non-proliferation regime came only when the process seemed to go out of the U.S. and Soviet Control."[13] Other countries essentially forced the hegemon to see the benefits of cooperation.

The theory also states that, as a hegemon declines, the regime undergoes a period of progressive strain until it finally collapses, due to the absence of hegemonic leadership. Contrary to the theory, the NNPR was institutionalised precisely when the U.S. entered a period of overall hegemonic decline : it became more effective during a period when the U.S. has declined as a hegemon in the issue-area of nuclear energy. One is led to conclude that the "success" over non-proliferation has been because of, not despite, American hegemonic decline. The period of American hegemony saw the greatest weapons proliferation. Since the signing of the NPT and U.S. decline, only India exploded a nuclear device in 1974.

The fact that the regime was formed and maintained during hegemonic decline calls into question the remaining key proposition of hegemonic stability theory – namely, that only a hegemon can provide the public good of the regime.

Thus evidence shows that instead of a direct relation between regime formation and maintenance, there is an inverse relationship – as the position of American hegemony eroded cooperation on nuclear non-proliferation has grown. We can

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[13] Ernst, B. Haas, 'Why Collaborate ? Issue Linkage and International Regimes', *World Politics*, 33(April 1980), p. 371.

therefore move on to the functional theory to find out how far the non-proliferation regime comes into its analysis.

The functional theory of regimes as outlined by Robert Keohane suggests that:

- Regimes engender Pareto-Optimal outcomes, unavailable to uncoordinated, individualistic pursuit of self-interest : they overcome "political market failure" by facilitating agreements.

- Regimes establish stable mutual expectations about other's patterns of behaviour that permit the development of working relationships.

- Regimes reduce costs by linking issues.

- Regimes increase the accuracy of critical information and thereby reduce the level of uncertainty and risk in making agreements.[14]

The non-proliferation regime, through its explicit and implicit obligations as embodied by the NPT, generates an aura of "legal liability" and consequently establishes clear and stable expectations about others' patterns of behaviour. Its "basic bargain" clearly links the issues of economic health and military security, both at the level of domestic and international politics. Fundamental budget allocations are critically affected by the decision to acquire nuclear weapons. The international ramifications of such a decision are obvious: the regional apprehension, the general disapprobation, and the probable ostracism.

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[14] Robert O. Keohane, *After Hegemony: Cooperation and Discord in World Political Economy* (Princeton, N.J.: Princeton University Press, 1984), pp. 85-109.

The development of nuclear energy is crucially affected by decisions concerning financing and transfers of technology. The non-proliferation regime is consequently "nested" within an extensive set of other international arrangements, including those for monetary relations, foreign investment, aid to developing countries, formal alliances, and a myriad security arrangements that involve extended nuclear deterrence and conventional arms transfers. A generally reliable flow of unbiased information reduces the transaction costs of nuclear energy cooperation, and makes this complex of overlapping and cross-cutting issues more understandable, and hence more amenable to coherence and consistently beneficial action. This information flow is provided by the flawed, but so far sufficient IAEA safeguard system; the conferences of nuclear suppliers: international discussions over the fuel cycle; and the periodic reviews of the NPT. The constancy of this information flow suffices to lengthen the shadow of the future for members of the regime by providing "timely warning" of any impending "defection", and as a result, it facilitates the arrangement of many lesser agreements.[15]

However, though the functional theory usefully explains regime maintenance, it disregards the larger question of regime formation. For Keohane, regimes are designed to facilitate agreements; he suggests that they are the outgrowth of bargaining and negotiation leading to institutional arrangements which are formalised in contracts or treaties. He also suggests that arrangements emerging in any other way do not qualify as regimes, excluding the possibility that regimes might emerge spontaneously, or through coercion. By emphasising negotiation and bargaining, Keohane reintroduces the distribution of power as an independent variable explaining regime formation. This

[15] Smith, op.cit., pp. 274-275.

reintroduction of the distribution of power leads back to the theory of hegemonic stability and its attendant problems.

Thus the functional theory fails to explain why the convergence of actors' expectations leads to a change in behaviour and rationality. In a "self-help system", the formation of a regime in a given issue-area must be preceded by at least a slight change in nationality, a change in preference, otherwise why would the regime not already exist? This change is a special pre-requisite in security issue-areas, where international cooperation runs counter to long-standing tradition.

Traditionally, security has been viewed as a national asset, acquired and enhanced by unilateral decisions and actions. Yet prior to and certainly after the signing of the NPT, a vast majority of nations decided, in a coordinated manner, to eschew the acquisition of the most powerful weapons yet devised and to legitimize the possession of such weapons by a select few. Security (at least as it concerns nuclear weapons) has been redefined through the non-proliferation regime as a situation produced by negotiation and monitoring rather than as a national resource earned by unilateral effort. Consequently, a central question in the analysis of all regimes is why a particular regime was created at a particular moment in history: Why then? Why not earlier? Why not later? The functional theory does not explain the creation and simultaneous convergence of a new interest by a host of states differing widely in history, political culture, and capability. Though the functional theory provides a powerful analytical tool for discerning the dynamics of regime maintenance, it fails to help us understand why a regime was formed at all, because it does not get at why there was a redefinition of egoistic self-interest.

The deficits of Realism and Neo-Liberal Institutionalism in explaining the non-proliferation regime can be fulfilled by stressing the importance of knowledge/learning. Haas argues that knowledge creates a basis for cooperation by illuminating complex interconnections that were preciously not understood; the potentialities inherent in "cognitive evolutionism" can bridge ideological cleavage and make possible more cooperative definitions of self-interest. According to Haas, there was considerable "substantive linkage" of issues prior to the formation of anything resembling a nonproliferation regime; "substantive linkage" proceeds "on the basis of cognitive developments based on consensual knowledge linked to an agreed social goal".[16]

The "Grotian" pre-occupation with usage and custom while as limited as power or self-interest is inherently elastic enough to give a central place to knowledge and learning. The Grotians are heartened by the fact that states are not rational unitary actors, that to determine the "national self-interest" one must first identify which self and which interest. Here comes the question of identity and understanding of the self (Went) as also the power of history (Cox). These aspects will be illustrated in the next chapter while dealing with India's relation with the Nuclear Non-Proliferation Regime.

Evolution of the NNPR – A Brief Overview

The Final Draft Treaty on the Non-Proliferation of Nuclear Weapons, as commended by the UN General Assembly on 12 June, 1968 came into force in May 1970.

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[16] Haas, op.cit., pp. 367-368.

Thereupon, the IAEA set up a committee to negotiate the terms of the safeguards to be applied in NPT signatory NNWS. The NNWS, under the energetic leadership of the FRG, had already extracted a concession in the NPT that safeguards be applied to nuclear material only, not to nuclear plants as such. The Committee agreed to rely on verified material accountancy as the basic feature of the safeguards system – this was also the basis of INFCIRC/66 – with surveillance and containment measures as ancillary instruments.

As a consequence of the emphasis on instruments and key points, the intensity and access of inspections to nuclear facilities became more restricted than either the IAEA statute on INFCIRC/66 envisaged. However, a new document, INFCIRC/153, reflected a far more systematic technological and quantitative approach to safeguards than the broad language of the statute and the broad and often optional clauses of INFCIRC/66. It empowered the agency to conduct a challenge inspection at any place or time if extraordinary circumstances so require.

When INFCIRC/153 was approved virtually unanimously in 1971 after nearly a year of complex negotiations, a second difficult series of talks ensued which were aimed at marrying the IAEA's safeguards with those of the European Atomic Energy Community (Euratom).[17]

The EEC member countries were anxious to avoid a burden of double and possible intensive inspections on their nuclear industries, and the Euraton

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[17] Muller, et.al., op.cit., p. 16.

bureaucracy was equally reluctant to relinquish hard-earned authority, competence and power. In the end, after lengthy negotiations, INFCIRC/193 was agreed. While Euratom's inspections would generally be more intensive than those of the IAEA and unnecessary duplication of labour would be avoided, each organisation would carry out sufficient inspections to reach an independent conclusion that no material was being diverted. They would operate in joint teams at sensitive plants. With the safeguards issue resolved, the EEC NNWS shared the NPT through their parliaments and finally deposited their instruments of ratification on the eve of the First Review Conference of the NPT in 1975.

For the clear definition of what is 'source or special fissionable material' in the Art.III, para 2 was, the suppliers of nuclear materials and equipment set up a committee named after its first chairman Prof. Claude Zangger of Switzerland. The Zangger Committee completed its 'first trigger list' in July 1974 and has since amended and expanded it on a regular basis.

The NNPR thus evolved suffered a major blow with the 'peaceful nuclear explosion' of India in 1974. The explosion was the first demonstration of the fact that developing countries were approaching the 'threshold' was coined. The explosion also exposed the failure of the NPT to achieve universality. Finally, the U.S. was prompted to raise its non-proliferation strategies and within the course of this revision, the U.S.A. became quickly aware that it had to secure the cooperation of a broader group of countries able to supply the most sensitive points, including the then non-NPT signatory France.

From 1975 on a group of team supplier countries worked quickly behind closed doors on policy guidelines for nuclear supplies. When the guidelines for Nuclear Transfers of 1977 (London Guidelines) were published in 1978, 15 countries adhered to them. The number of London suppliers is now well above 30. Although the London Suppliers Group was not connected to the NPT in any way, what it did in fact was to elaborate on Art.III para 2, and to reinterpret as well Art.IV which called for the "fullest possible exchange of equipment, material and information for the peaceful was of nuclear energy". What the LSG deemed 'not possible' was, for example, transfers of enrichment and reprocessing technology, and 'restraint' to be exercised in the export of such technology. The group added heavy water production points to the test of 'sensitive facilities'. The LSG also adopted and expanded the trigger list developed by the Zangger Committee.[18]

The LSG failed to reach agreement on one important question, however : should the application of full-scope safeguards in the recipient country also become a condition of nuclear supply? While Australia, Canada, the U.S.A. and some other suppliers favoured such a policy, France, the FRG and later Belgium and Switzerland opposed it. Consequently, this point was left out.

The first quinquennial Review Committee on the NPT was held in 1975 and experienced great difficulty in reaching consensus despite considerable achievements in arms control around that time. Among these achievements were the 1971 US-Soviet Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War, the 1972 US-Soviet ABM Treaty, the Interim Agreement on the Limitation of Strategic Offensive Arms (SALT-I) and in

[18] Ibid., pp. 18-22

1974 US-Soviet Threshold Test Ban Treaty (TTBT). The divisions at the first Review Conference ran deep along East-West lines. Issues such as NWFZs, 'no first use' and the CTBT were contentions. Along the North-South axis, complaints about insufficient progress towards nuclear disarmament and inadequate assistance and collaboration in the civilian uses of nuclear technology were expressed. In the end, Chairman Inga Thorsson of Sweden was able to impose her powerful personality on the Conference and to extract, with great effort, a final document out of the reluctant participants.[19]

The difficult course of the First Review Conference was because there were still uncertainties about the prospects for the NPT. One major doubt had been removed by the fact that EEC countries had just acceded to the Treaty. Japan seemed likely to do the same, but was still not a party to the Treaty. A number of important NNWS still stood aside, among them Egypt, Indonesia, North Korea, South Africa and Vietnam. Two NWS, China and France were also missing. It was thus still not clear how far the NPT would go towards its goal of universality. Then, there was dissatisfaction with the meagre transfer of nuclear technology to Third World Parties, while the nuclear boom was in full swing in the industrialised world. Also, there was considerable disaffection with what at the time termed to be slow progress in nuclear disarmament.

At the other end of the political spectrum, the USA was not completely satisfied with the London Suppliers Group agreements and took some unilateral steps to strengthen the NPT regime. In 1976, President Gerald Ford declared that the USA would henceforth require full scope safeguards in the recipient country as

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[19] Stephen M. Meyer, *The Dynamics of Nuclear Proliferation* (Chicago: The University of Chicago Press, 1984), p. 34.

a condition for all US exports to NNWS. In 1977, the Carter Administration came to power, bringing in even more far-reaching ideas on non-proliferation aimed at banning any use of weapon-usable material in the civilian nuclear industry.

As a consequence of resentment against the 1977 London Guidelines and the even greater chagrin caused by the WNPA (both of which conflicted with some degree with Art.II of the NPT) and of the lack of progress in arms control, the Second Review Conference of the NPT opened in 1980 under less favourable circumstances. The negotiations on nuclear arms had not borne out the great expectations that détente had promised. The 1979 US-Soviet Treaty on the Limitation of Strategic Offensive Arms (SALT-II) had been signed by both superpowers, but ratification was stalled in the US Congress and became increasingly unlikely after the Soviet invasion of Afghanistan. The only other arms control Treaty signed since the First Review Conference in 1975 was the Peaceful Nuclear Explosion Treaty of 1976, also still unratified, which had set the upper limits on the yield of PNEs at 150 KT, as the 1974 TTBT had done for military tests.

Even worse, after very promising progress, the negotiations on a CTBT had failed after the outbreak of the 'new cold war' in 1980, the prospects of a CTBT were extinguished. Such a major success in Arms Control was not enough to satisfy the desires of the majority of UN member states. The prevailing mood of the non-aligned states had also been expressed in the 1st session of UN GA devoted to disarmament in 1978. The final document of the Special Session identified the cessation of nuclear weapon tests as is most important initial measure towards nuclear disarmament. Under these

circumstances, the 1980 Review Conference was unable to produce a consensus document. The 1980 Second Review Conference of the NPT was a failure that generally did the regime little good.[20]

The Reagan Administration changed a few aspects of US non-proliferation policy : the USA withdrew, in effect, its objections against the plutonium recycling plans of its allies, although the conservative administration did not manage to revive reprocessing on the fast breeder reactor in the USA itself. At the same time, export controls became even more stringent. In 1981 the Reagan administration declared that it would end unilaterally and indefinitely the negotiations on a nuclear test ban. For the first time, a US administration also declared bluntly that nuclear testing was indispensable as long as nuclear weapons and nuclear deterrence were the backbone of national security and that a test ban was thus not in the USA's national interest. The hard-line position of the Reagan Administration on Arms Control and Disarmament in general and a test ban in particular contributed decisively to the failure in 1982 of the second special session of the UN General Assembly devoted to disarmament to agree on a final consensus document.

The Non-Proliferation Regime suffered another setback in 1981 when Israel bombed the Osiraq research reactor near Baghdad. Iraq was a party to the NPT, and the reactor was under IAEA safeguards. However, Iraq had acquired a variety of nuclear hardware that would inevitably arouse Israeli suspicion. The Israeli Govt. also professed a lack of confidence in the IAEA's ability to detect diversion of nuclear material in the reactor. In the aftermath of the 1981 crisis, the IAEA General Conference reversed an earlier decision and rejected Israel's

[20] Muller, op.cit., p. 20.

credentials. The US Govt. announced that it was withdrawing from all IAEA activities until Israeli rights and privileges were restored and assured. However after months of negotiation, the U.S. resumed its full participation.[21]

The return of the U.S. marked a renewed upswing for the regime. At the same time, a number of events were helping to strengthen IAEA safeguards and extend IAEA responsibilities. In Sep. 1981, France had concluded an agreement enabling the IAEA to safeguard specified nuclear plants, and in 1982, the USSR made a similar offer. After long hesitation China joined the IAEA in 1982, indicating that it was abandoning its previous negligent and possibly proliferation supporting export policies.

Another positive development for the regime was the addition of 16 new members to the NPT prominently Egypt and Vietnam. The joining of Vietnam facilitates the accession of the ASEAN members to the Treaty.

The Third Review Conference was held in Geneva in Aug.-Sept. 1985. But inspite of pessimism it was a great success. The final report of the Conference strongly reaffirmed support of the NPT and of the IAEA safeguards. Compromise were found early on to resolve divergences of opinion about peaceful nuclear cooperation and technical assistance.

The Conference was also able in its final hours to find acceptable language on the two of the most divisive issues:- the meagre record of achievement in arms control, especially the complete lack of progress towards a CTBT; and full

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[21] Ibid., p. 22.

scope safeguards as a binding condition for nuclear supply. A formula was agreed which took note of:

a) the call by all non-nuclear weapon states for a resumption in 1985 of negotiations on a comprehensive test ban.

b) the opinion shared by the UK and the USA that priority should be given to deep cuts in nuclear weapons rather than to a CTB which, however remained a long term goal.

c) USSR's readiness to conclude a CTB and the Soviet moratorium.[22]

Meanwhile, a new détente started between the two superpowers, with the coming of Gorbachev to power. There was significant progress in the direction of arms control negotiations and agreements. In 1987 US-Soviet Treaty on the elimination of their Intermediate-Range and Shorter-Range Missiles (the INF Treaty) eliminated a whole category of nuclear missiles. The Strategic Arms Reductions Talks (START) evolved slowly just steadily from 1985. The progress in talks between 1985-90 settled a large number of important issues and resulted in a great deal of substance for the 1991 START Treaty : a reduction of the total number of strategic nuclear warheads by about 30%, specific sub-ceilings for ballistic missiles and land-based ballistic missiles; and the agreement to cut the number of heavy land-based ICBMs by half.

After protracted negotiations and mutual verificat
testing sites, the protocols to the TTBT and the PNI
on.

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[22] Savita Pande, *The Future of NPT* (New Delhi: Lancer Pu

The Fourth Review Conference, 1990

At the outset of the 1990 Fourth NPT Review Conference 140 states had signed and ratified the NPT. The NPT fulfilled its function of confidence building through the IAEA safeguards system. Among the 140 members, only 3 were suspected to be less than fully faithful to the Treaty's provisions – Iraq. Libya and or Korea. Israel, India and Pakistan were threshold states with nuclear weapons capability.

Argentina and Brazil had both succeeded in setting up unsafeguarded enrichment facilities. They still remained firm in their opposition to the NPT on grounds of 'discrimination' and maintained that the Tlateloco Treaty was not in force for them. South Africa too had a meaningful nuclear weapon capability, but gradually it was moving towards the NPT regime.

Besides these six countries, five other NNWS with noteworthy nuclear activities remained outside the NPT : Algeria, Chile, Cuba, Niger and Nigeria.

The Fourth Review Conference failed to adopt a final document. Disagreement over comprehensive test ban was the main issue, although differences persisted over other issues on which members accepted compromises if only to bring about a consensus.

According to a room paper reportedly circulated by Mexico, the insistence of the US and the USSR to add a paragraph to note "the jointly declared statements of the USA and the USSR to proceed with step by step negotiations on further intermediate limitation on nuclear testing as part of an effective

disarmament process" to the compromise resolution placing importance on "negotiations, multilateral and bilateral during the next five years to conclude a CTBT" was objected to by Mexico, Nigeria, Peru, Srilanka, Venezuela and Yugoslavia. No compromise was accepted on the issue and led eventually to the failure of the Conference.[23]

The Gulf War also had an important effect on the NNPR. A crucial lesson was that the danger of proliferation arises chiefly from clandestine nuclear weapons programmeme and not from the diversion of fissile material from safeguarded civilian facilities. Routine IAEA safeguards were developed and negotiated when the large nuclear energy programmemes of industrialised countries (such as Germany and Japan) were seen as the main proliferation danger. They were thus geared to prevent diversion from such programmemes – not to detect clandestine activities. Consequently, they failed to detect the secret Iraqi nuclear weapon effort. Provisions in the existing NPT safeguards system that permit the IAEA to ferret out clandestine activities (INFCIRC/153) had not been invoked because the IAEA had no access to intelligence data which might have provided the necessary information concerning where to look for undeclared nuclear material.

The UN Security Council, do to away with this shortcoming empowered the UN Special Commission and the IAEA with unprecedented authority that went far beyond that conferred by the NPT and the IAEA system specified in INFCIRC/153.

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[23] Ibid., p. 111.

The 1991 Persian Gulf War brought another problem of the regime into the spotlight : the weakness of the existing export controls. Consequently, France and Germany became more cooperative toward the non-proliferation regime.

Significant developments of the early 90s was the accession of China, France and South Africa to the NPT, which marked a new point of departure for the regime. Another success story was that Argentina and Brazil decided against following the path to eventual nuclearisation. In July 1991 both the countries established the Argentine-Brazilian Agency for Accounting and Control, which monitors a safeguards system. This was constituted on the lines of the EURATOM in Europe. They also pledged that both the countries would abandon their nuclear weapons programme. Today, out of the 187 state parties to the Treaty, 182 countries have undertaken verifiable legal obligations not to acquire such weapons.

The indefinite extension of the NPT in May 1995 ensured that the 1968 Treaty continued to remain the core of the non-proliferation regime.

The CTBT (96-98) was another prominent effort in the global non-proliferation drive. Thought vetoed by India, a final agreement on the Treaty after protracted negotiations was no mean achievement for the Nuclear Non-Proliferation Regime.

However, the issue of time bound universal nuclear disarmament continued to be a nagging problem for the regime.

The Non-Proliferation Regime : A Locus of Contest & Struggle

The stresses and strains through which the Nuclear non-proliferation regime has undergone, captures the essential attribute of the inherent contestability of Regimes. According to Foucauladian perspective developed by James Keeley (See Ch.1), the creation of a regime requires that certain questions be asked and answers be provided regarding purpose, specific objectives and mechanisms. In providing one set of responses to the issues, the regime restricts, if not forecloses further consideration of alternatives. If the maintenance of the regime thereafter depends in part on the ability of its mechanisms to perform in a technically adequate manner and to achieve the desired objectives, it will also depend on the political ability of the regime to resist challenges by parties advocating alternative questions and answers.

Regimes are structures of power and hence shift in the identities of the strong and shift in the interests of the strong will have implications for the regime.

The Non-proliferation regime readily displays the properties of contestability. A very important debate has been regarding the very definition of proliferation – Is non-proliferation to be approached within the more general context of nuclear disarmament i.e. what is the link between horizontal and vertical proliferation? This has been the central reason of the North-South rift in all the NPT review Conferences.

Then there are two developments in the non-proliferation regime helped produce the more specific problems of that regime - *the spread of nuclear technological capabilities and the development of complex cooperation networks.*

The spread of nuclear capabilities has been widely and continuously documented. There are about 25-30 states that have the technical capacity to go nuclear. Nuclear technological capabilities are a currency of power in the regime. The states with nuclear capabilities have dominated the design and operation of the institutions and rules. Thus, the important point of contest stems from the fact that states who have the maximum capability are those which try to regulate that capability.

Secondly, control over the supply of capabilities has provided an incentive and control mechanism for the nuclear policies of recipient states. Suppliers of nuclear goods and services have placed conditions, including safeguards, on their provision of materials, equipment and even information. Further, as the number of states with a nuclear technological capability has increased, the problem of organising and harmonising supplier policies has increased. A related problem is of alternative sources of supply arising outside of the regime.

The multi-centered nature of the nuclear co-operation network was reflected in the 1970s in the debate surrounding the control of exports of 'Scientific technologies' with the Europeans tending to resist American attempts to strengthen technology controls. The disputes within the NSG demonstrated the

difficulties of reaching agreement among this expanding group. While nuclear recipients resulted what they saw as a possible cartelisation of nuclear supply and a potential reneging on Art. IV of the NPT.[24]

The spread of capabilities in particular has led to a problem of defining and then responding to proliferation. The NPT used a simple criterion – the test of a nuclear device. Proliferation could be alternatively defined as the acquisition of "latent capabilities". This broader definition pointed to the spread of capabilities as such, not merely to their misuse, as the proliferation problem. The policy of controlling access to 'sensitive' technology which followed from this new definition implied attempting to block or at least to control the development of full national fuel cycles and to institutionalise the adaptation of national policies to, and their dependence on, the international supply of nuclear goods and services. These policies have been resented as interference in domestic energy policies, as well as possible attempts to renege on Art IV of the NPT.

The attempted definitional shift and the spread of capabilities also put strains on safeguarding as the regulatory approach of the regime. The 'latent capacity' problem is not particularly manageable by safeguarding. This was amply clear in the Iraqi case.

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[24] James F. Keeley, 'Legitimacy, Capability, Effectiveness and the Future of the NPT' in David B. Dewitt (ed.) *Nuclear Non-Proliferation and Golabal Security* (London: Croom Helm, 1987), p. 35.

By complicating and challenging a capabilities-based approach to non-proliferation, the spread of nuclear technological capabilities and the development of the nuclear cooperation network have contributed to an increased awareness of factors other than simple technological capabilities in the proliferation process. This shifts our focus from the technological basis of proliferation to the motivational basis of proliferation - a highly political conceptualisation of proliferation. The nature of these factors makes it unlikely that a formalised regime to deal with them could either be created or work with great effectiveness. Instead, their character points to inconsistency both within and across state policies, to divisiveness and to the existence of severe constraints on the regime.

A variety of more specific difficulties arises from the number of incentives and disincentives to be dealt with. Since they may face different combinations in concrete circumstances, policies suitable for one target, one potential proliferator, may not be suitable for another. Worse, they may be counter-productive. If because of a hypothesised link between "vertical" and "horizontal" proliferation the superpowers reduce one state's propensity to go nuclear by reducing their own strategic arsenals, they might simultaneously increase the 'nuclear propensity' of another that fears a loss of its 'nuclear umbrella'. Thus policy instruments aimed at motivational factors will have to be tailored for specific occasions rather than used in a broad-brush way.[25]

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[25] Ibid., pp. 38-44.

Thus, we see that the spread of nuclear technological capabilities and the development of the nuclear cooperation network has had the effect of increasing the scope for and the effects of sustained substantive disagreement over the nature of the non-proliferation regime. However, despite disagreements about its adequacy and about attempts to strengthen it, the NPT represents a strong, if strained, consensus on the nature of the formal non-proliferation regime. Around this formal core will be a fragmented set of policies, unilateral on agreed among some states directed at specific capabilities, specific motivations and specific targets.

From the substantial disagreement over the regime, there are procedural difficulties in revising the current regime, above all of revising the NPT itself. The agreement required for amendment to be successfully carried out is difficult to achieve.

The formal problem of revision could be avoided to some degree if the practice of states with respect to various issues could be informally coordinated, so long as that practice was consistent with or represented an evolving informal understanding of the terms of the NPT. Here, the Review Conferences theoretically could play a role. A positive feature of the review conferences in this regard is that non-signatories of the NPT have been allowed to attend as observers. Unfortunately, the history of the conferences does not suggest that this sort of informal understanding is likely to be readily forthcoming.

The case of Pokhran II was a decisive blow to the non-proliferation regime and the widespread debate it generated brought into sharp focus the question of the revision of the regime. This special case of challenge to the non-proliferation regime and the struggle within and outside it will be dealt with in the next chapter with a case study of India and its strained relationship with the Regime.

CHAPTER-3

INDIA AND THE NUCLEAR NON PROLIFERATION REGIME

India has had a confrontation with the Nuclear Non-proliferation regime right since the coming into force of the NPT in 1970. Since India has not been a signatory to the NPT, it has remained outside the regime and hence is an outside challenger. India's discourse on the nuclear issue is therefore different from the discourse of the United States, the leading architect of the NNPR. The attempt of this chapter will be to go through India's position and its confrontation with the Regime and try to describe and analyse factors behind such confrontation.

The questions that need to be answered are:- First, what is the future of India's relation with the Regime, after Pokhran-II? Second, has identity, the power of history, the question of hegemony, mattered in India's decision to go nuclear? And third, how does the Foucauldian perspective explain India's position?

A Brief history of India's relation with the Nuclear Non-proliferation Regime.

India initiated research in nuclear physics as early as 1944 and had made considerable progress by the 1950s. Under the leadership of Jawaharal Nehru, however, the intention was to put nuclear technology to peaceful uses only. There was a strong streak of idealism and pacifism in India's foreign policy and hence nuclear disarmament was one of the important goals. However, in

response to a question about the possibility of India developing nuclear weapons, Jawaharlal Nehru had stated, "India would develop atomic power for peaceful uses but warned that, as long as the world was constituted as it was, every country would have to develop and use the latest scientific devices for its protection".[1] But the change started taking place, in the 1962-65 period. After suffering a humiliating defeat at the hands of the Chinese in 1962 and following the Chinese nuclear test, the Indian leadership had a rethink over the nuclear issue. Prime Minister Lal Bahadur Shastri provided a definitive thrust to nuclearisation at a future date and "launched a programme to reduce the time needed to build nuclear arms to six months"[2] (from the 18 months as claimed by Homi J. Bhabha). At the same time, dialogue was initiated with the U.K. and in 1966-67 with the U.S. and the U.S.S.R. to secure a nuclear guarantee and a nuclear umbrella but that was not forthcoming.

India had been a co-sponsor of the U.N. General Assembly resolution of November 19, 1965 which sought a Nuclear Non-proliferation Treaty that would carry a balance of obligations between the nuclear weapon states and those expected not to acquire any weapon. At the eighteen-nation Disarmament Committee in Geneva, India attempted to secure an NPT that would have effective and credible measures to insure non-nuclear powers against the use or threats of use of nuclear weapons. However, subsequently, India refused to sign the NPT citing two reasons:- (a) because of an imbalance of

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1 Jasjit Singh, 'India's Nuclear Policy: The Year After', *Strategic Analysis*, July, 1999, p. 510.

2 Ibid., p. 510.

obligations between nuclear and non-nuclear states,(b) more importantly, inadequate security guarantees to the non-nuclear states.[3]

J. Bandopadhyay echoes the widely held Indian position,

> "...This terrifying global nuclear environment has been madeeven more difficult for India by the attempt on the part of the superpowers to preserve and perpetuate their monopoly of nuclear weapons through the Nuclear Non-proliferation Treaty of 1968, which bans even nuclear explosions for peaceful economic purposes by non-nuclear powers. This treaty is clearly a neo-imperialistic manoeuvre on the part of the superpowers to perpetuate the grossly iniquitous and immoral power political structure of the international system. It was logically impossible for India, in terms of her political tradition and economic compulsions, to be a party to any such arrangement by signing the treaty."[4]

India's confrontation with the NPT regime began at this point of time. This confrontation was to further escalate in the 1970s. In 1971, India found itself isolated in the face of what seemed like a growing U.S.-China-Pakistan axis. While China did not intervene in the Indo-Pak of 1971 war, the despatch of the USS Enterprise to the Indian ocean by the U.S. brought India face to face with nuclear coercion.[5] These developments were arguably the important factors behind the 'PNE" of 1974 which showed India's capability to manufacture nuclear weapons. It was the first major challenge to an evolving Nuclear non-

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3 Krishnaswamy Sunderji, 'Changing Military Equations in Asia: The Relevance of Nuclear Weapons', in Francine R. Frankel (ed.) *Bridging the Non-Proliferation Divide* (Philadelphia, 1995), p. 139.

4 J. Bandopadhyay, *The Making of India's Foreign Policy* (New Delhi, 1970), p. 104.

5 Jasjit Singh, *Nuclear India*, (New Delhi: Knowledge World, 1998), pp. 16-35.

proliferation regime. From 1974, India was firmly placed against the NPT regime. The implosion was seen as demonstrating the regime's abysmal failure to prevent the emergence of new States with nuclear-explosives capability. The dialectical relations that then ensued, went a long way in the evolution of the Regime and India's stand as well.

The response of the U.S. and its allies was the formation of the London Suppliers' Group which evolved stringent nuclear export control measures in 1975-76. This led to a change in the NNPR. The 1974 blast thus dealt a fatal blow to the U.S. policy followed since the "Atoms for Peace" programme. A restrictive U.S. nuclear export policy, harking back to the pre-1954 era and based on denial and containment, gradually took its place, especially in respect of the Third World. The U.S. had provided itself as a reliable nuclear fuel supplier, but in 1974 it closed its order book for enriched uranium sales for several years. A major objective of the new U.S. policy was "psychological denuclarisation - i.e. how to dissipate the growing sentiment that saw nuclear power as the salvation"[6] for resource starved nations. The changes in policy and regime were prompted by concerns that Indian explosion could set off a chain reaction of nuclear proliferation. It was believed that some other nations would try to emulate India's example and India's open defiance of the NPT as perpetuating atomic colonialism/nuclear apartheid, and this could diminish the legitimacy of the treaty.

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[6] Michael J. Brenner, *Nuclear Power and Non-proliferation: The Remaking of US Policy* (Cambridge University Press, 1981), p. 70.

Significantly, the U.S. was able to rope in France - which had declined to be a party to the NPT and the Zangger Committee among the original members of the London Group. The U.S., however, failed to win the support of other members to make full-scope safeguards a condition of future nuclear exports. Two common themes tied U.S. legislative and executive branch actions on non-proliferation in the period from the 1974 Indian nuclear explosion upto 1980:- (i) the need for tougher restrictions and safeguard controls on export of nuclear materials, equipment and technology; and (ii) an eagerness to help evolve an international institutional response to the challenges of proliferation. The expanding curbs drastically limited the access of other countries, particularly the Third World to commercial nuclear power technology. This was seen by many third world nations as a violation of Art.IV of the NPT.[7]

The Carter administration, which took office in 1976, went about the task of tightening U.S. nuclear export controls and giving shape to a policy based on denial of access to technology. Also, a number of independent initiatives were launched by an increasingly assertive Congress to clamp conditions on atomic exports and on American economic and military aid. Two of the best known actions were the Symington and Glenn amendments to the U.S. Foreign Assistance Act of 1961. The common goal behind both amendments was to give teeth to the new nuclear export policy. However, the most significant non-proliferation related development that occurred during the Carter administration was the passage of the U.S Nuclear Non-proliferation Act (1978), a complex web of prohibitions, inducements and controls. Domestic legislation was used

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[7] Brahma Chellany, *Nuclear Proliferation: The US - Indian Conflict* (New Delhi: Orient Longman, 1993), pp. 62-63.

to dramatically change the rules of nuclear cooperation between the U.S. and other countries and to impose a unilateral set of norms on the rest of the world. The NNPA had an important bearing on the Tarapur issue, dragging the U.S. contractual obligations to supply fuel on to the centre-stage of a major Indo-American political dispute.

The NNPA sought to deny India the fruits of its presumed abuse of U.S. supplied materials. The Act represented an attempt by Congress to legislate for the rest of the world on the promise that the U.S. could still unilaterally tackle non-proliferation and "educate" the world on the dangers of the spread of weapons capabilities. The major deficiency of the legislation, however, was that by sanctioning a squeeze on fuel supply to coerce policy abroad, it made recipient nations insecure and provided a strong incentive to them to build indigenous fuel-cycle facilities. This was underscored by India's action in quietly embarking on a programme to develop a substitute mixed-oxide fuel following the enactment of the new law. The use of the Tarapur case as a political weapon against India had been made legitimate by the Act. However, India refused to renegotiate the terms of the nuclear fuel contract as demanded by the U.S. Nuclear Non-Proliferation Act.

The confrontation between India and the regime on export controls etc. continued in the 1980s. Triggered by the clandestine activities of Iraq and the realisation that many of the NSG countries have exported much of the technology and equipment, nuclear and otherwise, which had been used, led the then 26 members of the NSG to meet, the first time since 1978, in the Netherlands on March 5-7, 1991. Support was expressed by many countries,

including Germany and the USA, on full scope safeguards. The issue of controlling dual-use of goods was also discussed. At the follow-up meeting in Warsaw in 1992, 27 members agreed on three initiatives (1) making acceptance of comprehensive safeguards mandatory for countries receiving new significant nuclear-exports, (2) specific guidelines were established on the export of a wide variety of dual-use technology items, (3) amendments to the 1977 Trigger list were made.[8]

As far as the working of the export control regime is concerned many violations came to light. The transfer of material or technology continued with or without the knowledge of the supplier through either circumventing control legislation or exploitation of the loopholes in the regime or violating the provisions of the export control regime. Many of these cases had an adverse impact on India's security.

The most striking case was that of A.Q. Khan, the Pakistani physicist working at the centrifuge enrichment plant at Almelo, Netherlands. He returned to Pakistan in 1975 after taking complete blue-prints and know-how on construction and engineering that he had had the opportunity to learn. Khan then became the head of the Pakistani Kahuta enrichment project and is more popularly known as the father of the Pakistani bomb.

In the early 70s, France agreed to supply Pakistan a reprocessing plant. Under US pressure, France decided in late 1976 not to follow through with the

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[8] Savita Pande, 'The Challenge Nuclear Export Controls' *Strategic Analysis*, July 1999, p. 580.

contract. Yet, at this time, important technological information was already in Pakistan's hands. Pakistan then argued that since the whole of the contract was not realised, it was under no obligation to accept safeguards on whatever reprocessing activities it may conduct in future. Consequently, neither the New Labs small reprocessing facilities nor the larger one at Chasma are under the supervision of the IAEA. There were also cases of transfer of Production technology. In 1989, China was reported to have designed a nuclear system for the Pakistani research reactor PARR-II which uses highly enriched uranium. In April 1994, a US Govt. Accounting Office (GAO) study cited several examples of problematic sales, including the export to Pakistan of two high-tech grinding machines for manufacturing critical nuclear weapon components, even though the U.S. govt. knew that the buyer was involved in the design and manufacture of nuclear weapons. China's assistance to Pakistan's Nuclear weapons programme was brought into the spotlight again in 1996 by disclosure of a controversial nuclear transfer by China of ring magnets that were destined for use in Pakistan's unsafeguarded uranium enrichment programme. According to Press reports, the Clinton Administration determined in August 1995 that China had sold 5000 ring magnets valued at 70,000 dollars to the A.Q. Khan Research Laboratory in Kahuta between Dec.94 and mid-95. The ring magnets could enable Pakistan to double its capacity to enrich uranium for weapon purposes.[9]

On the other hand, while remaining outside the non-proliferation regime, India maintained "effective export controls on nuclear materials as well as related technologies ... India's conduct in this regard has been better than some

[9] Ibid., pp. 583-590.

countries party to the NPT."[10] India followed a long-term strategy of indigenous development of the technology/material denied to it.

Returning to the issue of NPT and nuclear weaponisation, the indefinite extension of the NPT in May 1995 was a major landmark. India took its old stand against extension of a flawed and discriminatory regime and alleged that most of the countries were virtually arm twisted to agree to it. As Jaswant Singh holds,

> "Today most nations of the world are also the beneficiaries of a nuclear security paradigm. From Vancouver to Vladivostock stretches a club : that of a security framework with four nuclear weapon powers as partners in peace providing extended deterrent protection. ...only Africa and Southern Asia remain outside the exclusivity of this new international nuclear paradigm, where nuclear weapons and their currency in international conduct is paradoxically, legitimised. How to accept these differentiated standardsof national security or a regime of international nuclear apartheid is a challenge not simply to India but to the inequality of the entire non-proliferation regime."[11]

The CTBT negotiations that followed were contentious and the negotiated draft that emerged in June 1996 was objected to by India as being violative of the original mandate of the 1993 UN General Assembly. India expressed its unwillingness not to sign the Treaty on the following contentions:-

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[10] Jaswant Singh, *Defending India*, (Bangalore: Macmillan India Ltd., 1999), p. 336.
[11] Ibid., p. 332.

- that the CTBT was only a horizontal non-proliferation measure, not a genuine attempt at comprehensive nuclear disarmament.

- that the existing Nuclear weapon States would continue to have the freedom to upgrade their nuclear arsenal through simulation tests and computer operations in their nuclear laboratories.

- that the safeguards and monitoring/inspection regimes would not fully cover the existing nuclear weapons capacities of the nuclear weapons powers.

- that the disciplinary regime envisaged in the CTBT would fully cover only 'non-nuclear weapons' and 'nuclear weapon capable' states.

- that the provisions of the CTBT imposed discriminatory restrictions on NNWS capability to develop their own nuclear technologies even for peaceful purposes.

- that the proposed CTBT did not provide in any manner for the complete elimination of nuclear weapons within any time frame, short-term on long term.[12]

India also argued that the Entry into Force clause (Art. XIV) was a direct infringement on its national sovereignty as it made India's signature essential

[12] J. N. Dixit,'The Moment of Truth', *Seminar*, 444, August 1996.

for the treaty coming into force. It was a veiled threat - sign or face punitive actions.

The CTBT issue brought into sharp focus certain key facts. The U.S., which had all through the 1980s shown reluctance on the issue of comprehensive test ban became enthusiastic in response to the advances that it made in laboratory and computer simulated nuclear testing. China and France promised to sign the CTBT only when they had completed their series of nuclear tests in early 1990s which would meet their technological requirements for the period of the coming decade or so. Thus India had valid reasons to argue that the CTBT was a new "avatar" of NPT designed to preserve the nuclear hegemony of the haves. Indian strategic analysts argued that just as the NPT was an instrument to prevent Germany, Japan and Italy to go nuclear, similarly CTBT was a device to trap the nuclear capable states or threshold states - Israel, India and Pakistan. This argument holds water, as the now declassified record of the NPT negotiations reveal that both USSR and USA shared a common aim to prevent West Germany, Italy and Japan from becoming NWS.[13]

Both the USA and USSR had even tried to obtain an NPT of indefinite duration. However, West Germany, Italy and Japan put up strong opposition. These countries also opposed an undertaking on giving up the nuclear option indefinitely into the future because of uncertainty about the NATO nuclear umbrella. Eventually, however, the Italian amendment of a compromise

[13] Rakesh Sood, 'The NPT and Beyond', in Frankel (ed.), *Bridging the Non-proliferation Divide*, p. 207.

between "unlimited duration" and "fixed term" became the basis from which the language of Art.X was taken.

Thus the NPT was a product of the Cold War. As J. Bandopadhyay notes,

> "The fact is that the two superpowers, unable to bear the exorbitant cost of an unrestrained nuclear arms race, dismayed by perpetual insecurity, scared by the growing signs of political organisation among the Third World countries, which possess superior manpower, and haunted by the rapidly materialising spectre of a nuclear superpower backed by virtually unlimited manpower in China, have decided not to fritter away their resources in mutual competition, but to conserve them for possible future use against common enemies. Nuclear non-proliferation is an essential corollary to this global strategy. Without showing any signs of seriously considering either nuclear or general disarmament, they are determined to prevent the Third World countries from ever challenging their monopoly of nuclear weapons. By an amazing piece of intellectual jugglery, they seem to have convinced themselves that while their own enormous nuclear stockpiles are benign all actual or potential nuclear weapons, or even nuclear explosions for economic purposes anywhere in the Third World are necessarily malignant. By an unbelievable somersault, they appear to have persuaded themselves that while their immense nuclear arsenal would ensure world peace, even the use of nuclear energy for peaceful purposes by the developing states would cause the destruction of the human race".[14]

A perusal of India's relationship with the Nuclear Non-proliferation regime shows that it has been the major challenger to the regime. It has tried to shape

[14] J. Bandopadhyay, op.cit., p. 105.

an alternative discourse of comprehensive nuclear disarmament. The Indian stand since the enactment of the NPT and till Pokhran-II (which will be dealt later) was that it would keep its option of weaponisation open until the nuclear haves agreed on a time frame for complete nuclear disarmament?

The security considerations that India had in mind, especially the China and Pakistan factor, will be discussed under the sub-heading of Pokhran-II. What needs to be understood here is that the alternative discourse of nuclear disarmament that India tried to shape failed while the Nuclear non-proliferation regime in spite of loopholes, survived. The maximum role that India could play was as a critic of the regime, not an alternative regime shaper for India lacked the power to do so.

The question that now assumes significance is, what were the reasons for India going nuclear? Does India want to gatecrash into the nuclear club and join the NPT as a NWS (if at all the NPT could be amended)? What about India's alternative discourse of Nuclear Disarmament? Also, what is the future of India's relation with the Nuclear non-proliferation regime?

Pokhran II and After : From Confrontation to Engagement?

On May 11 and 13, 1998, India: a) carried out a series of nuclear tests, and

b) declared itself to be a 'state with nuclear weapons'[15]

While the former was a scientific achievement/advancement for the country, the latter was a political decision with wide ramifications. India's 'self-declaration' as a 'State with Nuclear Weapons' (SNW) marked a departure from her earlier stand of 'keeping the nuclear option open'. India had finally exercised her option and decided to weaponise to obtain a "credible and minimum nuclear deterrent'. This decision 'shook the edifice of the International non-proliferation regime'[16] and was an open defiance of the nuclear order erected by the U.S. and its allies. The reaction of the U.S. was sharp and under the Glenn amendment a series of sanctions were imposed on India. Japan, Australia, New Zealand, Denmark and Sweden followed the U.S. line in condemning the Indian tests and imposing their own set of sanctions. However, France, Russia and Britain were more restrained in their reaction and opposed U.S. policy of imposing blanket sanctions on India.

The important area of our concern however is the rationale of India going nuclear and openly defying the nuclear order.

Official statements emphasised the security threats to the country. In a letter to the U.S. President, which was leaked out to the U.S. Press, Prime Minister Atal Behari Vajpayee argued about the deteriorating security environment in the region and the threats from China and Pakistan as well as the nexus between

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[15] This phrase was coined by Jasjit Singh to distinguished India from the Five Nuclear Weapon States (NWS).

[16] George Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation* (Berkeley: University of California Press, 1999), p. 416.

them.[17] Jasjit Singh sums up the security aspect of the decision in outlining five reasons for India going nuclear –

- The China and Pakistan factor.
- Enhanced nuclear proliferation by even NPT Signatories, France and China.
- Little progress on the Disarmament front.
- Continuance of Dominant Nuclear Strategic doctrines of the major powers.
- Threat to the nuclear option.
- The CTBT deadline.[18]

From a common Indian's point of view, the decision to weaponise could be explained thus: Since India was unable to see any possibility of nuclear disarmament, it had to acquire its own weapons to meet its security needs. After the tests, the Indian leadership announced that it would continue to pursue its 'long cherished' goal of universal nuclear disarmament, because that was the way the security of India and other states could be best promoted. However, one aspect of India's decision which has been under-emphasised by strategic analysts and decision-makers alike in explaining Pokhran-II is the question of 'identity' (Wendt), India's own understanding of its 'self', the question of hegemony and also the question of 'history'(Cox).[19]

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[17] See Jasjit Singh 'India's Nuclear Policy: The Year After', *Strategic Analysis*, July 1999, p. 510.
[18] Ibid., pp. 512-517.
[19] See Chapter II.

What is India's understanding of its 'self'? How does India view its role in the world? Right since Independence, India has consistently tried to shape an alternative discourse through its foreign policy. Thus, while most of the countries joined either of the cold war blocks, India charted out a path of non-alignment. India has traditionally viewed itself as the voice of the third world, if not its leader. Prime Minister Vajpayee re-emphasised the favourite Nehruvian phrase of India taking its 'rightful place in the comity of nations' in his statement to the Lok Sabha on May 27, 1998.[20]

What is this 'rightful place'? This rightful place is the status of a 'great power', 'a global player' a status India claims in the quest for the democratisation of World Polity. Thus, in India's understanding, the developing countries should have a say in global matters.

With the end of the Cold War, as the East-West axis collapsed, the North-South axis became more prominent. And as globalisation and liberalisation became dominant forces to contend with, the concerns of the developing countries came to the forefront. The change from a bi-polar to a unipolar world also ushered in debates about the prospects of a multipolar world. India's quest for a Permanent Security Council seat which has gained ground in the 1990s can be understood in this light.

It would be too simplistic to overlook the fact that nuclear weapons have been the currency of power and status. Apart from being a country with the second

[20] Suo Moto Statement in the Lok Sabha by Prime Minister Atal Behari Vajpayee, 27 May 1998.

largest population in the world, a location of geo-strategic importance, a diversity of sub-continental proportions endowed with rich natural resources, a functioning democracy committed to the purposes and principles of the United Nations, a vibrant and growing economy with a sound base, a country which has had a sound scientific and technological infrastructure, and added to it all, 'an ancient civilisation', India with nuclear weapons and a responsible nuclear doctrine positions itself as a potential global player. Thus the Indian Prime Minister, declared in the Lok Sabha after the tests : "India is now a nuclear weapon state. This is a reality that cannot be denied. It is not a conferment that we seek, not is it a status for others to grant. It is an endowment to the nation by our scientists and engineers. It is India's due, the right of one sixth of humankind".[21] Jaswant Singh put it thus,

> "we cannot have a situation in which some countries say, 'we have a permanent right to these symbols of deterrence and of power, all of the rest of you ... do not have that right. We will decide what your security is and how you are to deal with that security'. A country the size of India – not simply a sixth of the human race, but also an ancient civilisation – cannot in this fashion abdicate its responsibility". [22]

Apart from this factor, the other factor that has remained embedded in the consciousness of the people of India has been a struggle against imperialism and colonialism, and hence a struggle against hegemony and domination. The overwhelming public opinion in favour of the nuclear tests and scorn toward American stridency symbolised the resentment against hegemony. The ideologue of the BJP, K.R.Malkani remarked, "uptill now, the five powers

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[21] Ibid.

which emerged after World War-II and monopolised the permanent seats in the UN Security Council have been browbeating and blackmailing any other country which stood in their way. But on May 11, we breached this monopoly of these five dadas. It is not just an Indian bomb, it also means empowerment of Afro-Asia and Latin America."[23] As Dr.Amitabh Mattoo contends, "psychologically 'standing up' to international pressure, especially Western coercion, has always found a deep resonance in the popular Indian psyche, as have assertions of India's 'great power status' and slogans of India having found its 'rightful place in the comity of nations'."[24]

Thus the nuclear tests and nuclear weaponisation enjoyed large scale popular support. "The number of those supporting weaponisation as distinct from those in favour of maintaining the posture of nuclear ambiguity, or opposed to the nuclear option has steadily increased in the last decade, and particularly after the 1995-96 debate in India over the CTBT. In 1987, 53% "strongly favoured" India developing nuclear weapons; by May 1992, this figure was close to 60%; and by December 1995, nearly 65% said they would "approve" if India explodeda nuclear bomb to develop its nuclear weapon capability."[25]

The important thing is that the constituency for nuclear tests and weaponisation usually cuts across party lines. There are also no systematic regional variations in nuclear policy opinion. Moreover, support for the tests or for nuclear weapons does not reflect either a deep understanding of the strategic rationale

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23 K.R. Malkani 'Historic Development', *World Focus*, June/July 1998, p. 23.

24 Amitabh Mottoo (ed.), *India's Nuclear Deterrent: Pokhran II and beyond* (New Delhi: Har Anand, 1999), p. 13.

25 Ibid., pp. 12-14.

or sensitivity to the finer nuances of the theory of deterrence. Instead, the nuclear issue has been related, in the popular perception – for at least the last decade – to issues of 'national self-esteem' and 'national pride'".[26]

Another important factor that cannot be overlooked is the political position of the those in power today on the nuclear issue. The Bharatiya Janasangh, the predecessor of the BJP today, had been an ardent supporter of nuclearisation right since the sixties. The Central Working Committee (CWC) of the BJS adopted the following resolution on December 4, 1964, two months after the first Chinese test at Lop Nor:-

> "...The CWC deeply regrets the government's failure to realise the seriousness of the threat posed to India's security by China's entry into the nuclear club.
>
> ...In its smug ostrich like complacency, the Government of India... kept on confusing and misinforming public opinion by raising an economic bogey to silence the growing popular demand that India should build up its own atom bomb. India's economy, it was contended, could not bear the cost of producing an atomic weapon. Janasangh disagrees basically with this approach. No price can be considered too high where the country's defence is involved.
>
> ... In the context of the harsh realities of the present world and China's unconcealed expansionist ambitions, the Government of India's present policy of nuclear abnegation can well prove suicidal. The working committee, therefore, considers it imperative that an all out effort be made to build up an independent nuclear deterrent of its

[26] Ibid.

own, and urges the Government of India to revise its stand accordingly." (December 4, 1964; Patna CWC).[27]

The nuclearisation of India was viewed by many BJP supporters as the empowering of India's cultural and civilisational consciousness with the most powerful technology of the day. The Swadeshi Jagaran Manch, an outfit of the Sangh Parivar brought out leaflets quoting the famous lines of the Hindi poet Ramdhari Singh 'Dinakar' which assert that tolerance and compassion have meaning only when they are backed by power or else they are considered weakness. Citing examples from Ramayana and Mahabharata, Dinakar shows that Rama's request to the ocean to dry up to make way for him and the Pandava's tolerance of the intrigues of Duryodhana were considered weakness until they demonstrated their strength.

Thus, the question of the definition of self as also the question of identity and a challenge to hegemony assume importance as explanatory variables in understanding Indian nuclear tests.

Also, the conflict between India and the U.S. on non-proliferation underlines the incompatible views concerning the nature of the global power structure. As Satu P. Limaye observed, "for the U.S. it has seemed to make eminent sense to try to prevent the spread of nuclear weapons and to restrict their ownership to a 'manageable' number of countries – including, of course, itself. This was nothing more nor less than an attempt to retain its dominant place in the

[27] Bharatiya Jansangh - Party Documents, Vol. 3, (New Delhi: BJS Central Office, 1973).

international system and to shape the international order in a way which suited its interests."[28]

Conversely, it is India's goal to escape from second class status in world-affairs and receive recognition commensurate with its position as one of the world's oldest and largest civilisations, constituting nearly one-sixth of the human race. Since nuclear weapons still constitute an important coin of power, this quest for equitable status has prompted India to perfect its ability to assemble and deliver nuclear weapons, unless and until the existing nuclear weapon states make credible progress toward a nuclear-free world.

Since the end of the cold war and the collapse of the Soviet Union, the U.S. self-image as the "only superpower" has reinforced the American assumption that the nuclear club should be restricted to the five present members and that the U.S. is entitled to have the biggest – and best-nuclear arsenal in order to preserve international peace and stability.

Thus apart from power and interest, knowledge and identity matter in the explanation of reality. Images of self, of others and of the situation are cognitive organising devices that help policy – makers interpret and understand the complex reality. National images influence policy preferences and thus generate a propensity towards contain policy choices.

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[28] Cited in Selig S. Harrison, , 'India and the United States: The First Fifty Years', *Occasional Paper*, Nov. 1999, p. 19.

However U.S. and India's image of each other have gradually undergone change in the 1990s and especially after Pokhran tests. The Report of an Independent Task Force cosponsored by the Brookings Institution and the Council on Foreign Relations proposed a "closer strategic relationship with India, which has a potential to emerge as a full-fledged major power."[29]

A realisation has gained ground in the U.S. that with determined countries such as India, sanctions prove to be counter-productive. There is an open acknowledgement by many scholars on both sides that multinational sanctions may have been instrumental in undermining larger non-proliferation concerns vis-à-vis India : first it solidified the political will to attain self-sufficiency at all costs and secondly it fostered greater domestic and international secrecy (and lack of public accountability) in the nuclear and missile programmes. Some scholars therefore suggest that instead of a technology-denial approach toward India, an incentive based approach would have a greater chance of success. Is India then copying China in its behaviour toward the U.S. and the U.S. beginning to treat India as an emerging China?

It is in this context that the Jaswant - Talbott talks should be located and understood. The Jaswant-Talbott talks or the US-India non-proliferation talks, have tried to explore meeting grounds hinged on reciprocal steps from both sides.

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[29] Report of an Independent Task Force, Co-chairs - Richard N. Haas and Morton H. Halperin, 'US Policy towards India and Pakistan'; cosponsored by the Brookings Institution and the Council on Foreign Relations (New York: Council on Foreign Relations Inc., 1998)

Thus the United States,

- Should not get in the way of India building a credible and minimum nuclear deterrent nuclear force to ensure its national security.
- Should lift the sanctions it had imposed after Pokhran-II.
- Should agree to loosen technology controls in some negotiated areas.

In return, India would

- Sign the CTBT.
- Not enter into an arms race with its neighborus.
- Take immediate steps to bring peace and stability in South Asia through confidence building measures – both nuclear and otherwise.
- See to it that nuclear export controls are firmly in place.[30]

The talks moved in a positive direction and the Indian leadership has more or less made up its mind to sign the CTBT but is buying time to forge a domestic consensus. On the other hand, in most part of the world there is a better appreciation of India's security needs and its rationale for a credible and minimum nuclear deterrence. Most of the sanctions have been eased and still more are to follow.

This positive movement on the non-proliferation front can be located in the larger context of a broad-based relationship, the possibilities of which have opened up after President Clinton's visit to India in March 2000. Being the first US President to visit India in 22 years, President Clinton left a strong

[30] Dinshaw Mistry, 'Diplomacy, Sanctions and the US Non-proliferation dialogue with India and Pakistan', *Asian Survey*, Vol. XXXIX, No. 5, Sept. - Oct. 1999.

message that India & the U.S. could become "Engaged Democracies" instead of "Estranged Democracies". There are clear signs of the emergence, however incipient and exploratory, of a strategic partnership. This was evident from development on three issues, "Pakistan, proliferation and the redefinition of the diplomatic process between India and the U.S."[31]

These developments if taken forward in the coming years could see a constructive engagement on the non-proliferation front by India and the U.S. As C. Raja Mohan notes, "Although the two sides have not been able to resolve their nuclear differences, the U.S. now appears to be ready to live with the reality of India's atomic arsenal and new Delhi is more willing than in 1978 to address global non-proliferation concerns. If the U.S., in the final years of the Clinton Administration, has begun to temper its non-proliferation moralism in relation to India, New Delhi under Vajpayee has begun to acknowledge its own responsibilities towards the global nuclear order. Equally significant is the character of the conversation. For years, the very mention of the nuclear issue generated intense heat in any dialogue between India and the United States. New Delhi and Washington are no longer talking past each other on nuclear issues. They have sought to address each other's concerns."[32]

Can India then live at peace with the Nuclear Non-Proliferation Regime? The answer to the question lies in the womb of the future.

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[31] Kanti P. Bajpai, 'Take Five E's, Three P's and Four R's and Shake: India US relations after the Clinton Visit', *Focus and Analysis*, May 2000, p. 35.

[32] See C. Raja Mohan, 'In Search of Political Convergence', in Mattoo (ed.) *Engaged Democracies*, p. 18.

As far as the alternative discourse of global nuclear disarmament is concerned, India still sticks to it, though it may consider it a long term 'goal'. The Prime Minister addressing the Indian Parliament held : "we have been and will continue to be in the forefront of the calls for opening negotiations for a nuclear weapons convention, so that the challenge of proliferation can be dealt with in the same manner that we have dealt with the scourge of two other weapons of mass-destruction – through the biological weapons and the chemical weapons convention."[33] The External Affairs Minister, Jaswant Singh in his address to the 54th UN General Assembly called for "binding irreversible steps to reduce the dangers of use of nuclear weapons".[34] As India moves toward a rapprochement with the Nuclear non-Proliferation Regime the alternative discourse of global Disarmament may appear to get a bit diluted. The immediate objective would ten be for a convention to agree on "an end to the threat of use or use of nuclear weapons by all the nuclear powers."[35] This is also the position taken by the National Academy of Sciences in the U.S. However there is little likelihood of the Western Powers agreeing to it.[36]

The Foucauldian perspective on International Regimes aptly explains India's position vis-à-vis the Non-Proliferation Regime. For the last thirty years, India emerged as a principal challenger to the discourse/narrative of the Regime and put an alternative narrative (the narrative of global nuclear disarmament) on the agenda of the nuclear debate. No doubt, the Review Conferences of the NPT

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33 PM's Statement in the Lok Sabha, op.cit.

34 Jaswant Singh's address to the UN General Assembly, Sept. 22, 1999, *Strategic Digest*, Vol. XXIX, No. 10, Oct. 1999, p. 1571.

35 PM Atal Behari Vajpayee's address to the 53rd UN General Assembly, *Strategic Digest*, Vol. XXVIII, No. 11, Nov. 1998, p. 1802.

36 Mattoo (ed.), *Pokhran II and Beyond*, op.cit., p. 32.

witnessed a lot of acrimony on this front and was one of the reasons for the stresses and strain on the regime. India continued its tirade against the regime as being discriminatory and iniquitous and one that perpetrated nuclear apartheid. But because India lacked the power, it could not do anything about an 'alternative order'. On the other side, the U.S. took India as a deviant and castigated it for its misplaced pride.

Thus, the nuclear non-proliferation regime too is a focus and locus of struggle. As James Keeley holds, "Rival knowledges may persist : the hegemonic discourse and its disciplines may be unable to absorb or obliterate these fully and may even have to reach understandings with some of them."[37] Art. VI of the NPT is a prominent example. There is the other possibility that the deviant could be co-opted within the regime. This could be possible if India were to dilute its commitment to disarmament and live at peace with the NPT with a defacto status of a NWS. The future is difficult to predict, but one thing is certain : the Nuclear Non-Proliferation Regime would continue to exist in the near future as the power and knowledge necessary to sustain it has found validity and legitimacy with a large section of the world community. There will be stresses and strains, and challenges but the regime would survive unless alternative power relations and discourses and disciplines take its place. This is unlikely to happen in the foreseeable future.

[37] James F. Keely, 'Toward a Foucauldian Analysis of International Regimes', *International Organisation*, 44, 1, (1990), p. 92.

CHAPTER-4

CONCLUSION

Struggle is the most basic fact of human life. Right from the struggle of a cell to survive, to the struggle of a human being in facing the world, organic life on this planet faces its ups and downs. And so is the case with human institutions.

The Nuclear Non-proliferation regime also has been the locus of struggle. And it has been the locus of struggle precisely because it was created by a particular set of actors at a particular point of time. The study of the regime shows that power and interest mattered a lot in its creation and maintenance. The United States being the first to develop nuclear weapons was naturally in a position of dominance and by virtue of the fact it emerged as a dominant player in the international system, it was able to shape a nuclear order which catered to its global interests. As the study shows, along with the former Soviet Union, the US had an interest in framing an order which would prevent not only spread of nuclear weapons but also of the related nuclear technology. But since knowledge can not be bottled up, the trajectory of the non-proliferation regime was not smooth.

The role of knowledge and learning has had a great bearing on the trajectory and evolution of the Nuclear Non-proliferation regime and this more so as it is related to

a country's security needs. The amount of security a country needs is not given and hence varies according to changes in perception and understanding. It is here that cognitivism has great value as a theoretical tool in the understanding of the NNPR.

During the Cold War, the US and the Soviet Union had a common knowledge and understanding about the spread of nuclear weapons. Initially they believed that sharing nuclear technology with allies could be controlled and peaceful nuclear exports could be kept from military use. Better scientific knowledge and diplomatic experience changed their attitude and policies. The Cold War paradigm of `stable peace', based on nuclear deterrence, was also a result of shared knowledge and understanding of the volatility of the arms race.

Cognitive change and learning also change perceptions of national interests. Thus an element of subjectivity creeps in any understanding of national security and national interest. The amount of power that a state needs and the definition of its national interest is to a large extent based on the understanding of `self' of an actor in international relations and the role it decides for itself.

The United States' understanding of itself as the custodian of international peace and security has gone a long way in shaping its behaviour, and the virtual nuclear monopoly that it enjoyed in the 1940s and 1950s went a long way in deciding its role. Nuclear weapons and their global reach were to a large extent responsible in

the global role of the superpowers of the Cold War era. The fact that the five permanent members of the UN Security Council are also the five recognised nuclear powers may be matter of coincidence, but it seems to regard the importance that post World War -II history has attached to nuclear weapons.

India's relationship with the Nuclear Non-proliferation regime can also be understood from the perspective of its own understanding of national interest and its role in world affairs. After independence, under the leadership of Jawaharlal Nehru, India saw itself as a voice of Third World - of all those nations who had been subjugated and deprived. It was therefore natural for India to reject the Cold War paradigm and its confrontation with the Nuclear Non-proliferation regime can be seen in this light. India argued for a regime of global nuclear disarmament ensuring equal and legitimate security for all. But the history of the Regime showed that the balance of obligations that the NPT had enshrined, were not honoured. India's posture of nuclear ambiguity therefore culminated in its self-declaration as a nuclear weapon state after the Pokhran - II tests.

A perusal of the declarations and statements of the decision makers in New Delhi shows that Pokhran-II was understood as an important step in the direction of India's emergence as a major player in the international system. India was seen as asserting its identity and demanding its due - the due which was described as that of `one sixth of humanity' and `an ancient civilisation'. Also Pokhran - II was seen in popular

imagination as an attempt to catch up with China in the race for a 'great power status' and an Asian giant. This was illustrated by the statements of the Defence Minister, George Fernandes and the letter Prime Minister Vajpayee delivered to the US President mentioning the 1962 aggression by China.

However, the question that assumes significance is regarding the nature of the challenge posed to the Nuclear Non-proliferation regime by Pokhran-II. As post Pokhran -II developments symbolised, there were signs of rapprochement between India and United States instead of an all out confrontation. Did India want to get coopted in the Regime as a formal/informal nuclear power? It is difficult to answer this question with great certainty at present. As long as New Delhi persists with its long standing demand of global nuclear disarmament, even after its nuclearisation, it would continue to be looked upto as a genuine challenger to the Regime. However, if it underplays the demand in future and enters into some tacit understanding with the US, it may gradually get coopted in the Regime.

It is here that the Foucauldian perspective is of help in analysing the Nuclear Non-proliferation Regime and India's relationship with it. The challenge to the hegemonic discourse of nuclear non-proliferation came in the form of the alternative discourse of `global nuclear disarmament' which was a legitimate discourse even within the framework of the NPT (Article VI). Because of its confrontation with the regime, India was considered a deviant by the US and its allies. Similar was the case

with China in the early 1970s. But China got coopted within the regime as a full-fledged nuclear power. The possibility of India getting coopted within the regime is possible in future, but that may not take place formally since there is a remote possibility of the NPT getting amended. In such a case, India may have to coexist with the nuclear non-proliferation regime somewhat uneasily, as the debate about global nuclear disarmament continues. Thus the Nuclear Non-proliferation Regime will continue to be a locus of struggle in the days to come.

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