

Policy Report

Is India a Responsible Nuclear Power?



**S. RAJARATNAM SCHOOL
OF INTERNATIONAL STUDIES**
A Graduate School of Nanyang Technological University

Kate Sullivan
March 2014

Policy Report

Is India a Responsible Nuclear Power?

Kate Sullivan
March 2014

Is India a Responsible Nuclear Power?

Executive summary

This policy report addresses the central question: is India a responsible nuclear power? It does so in two, inter-related ways. First, it asks whether India's nuclear behaviour is commensurate with what we might expect of a responsible nuclear power. Second, it asks to what extent India has been accepted as a responsible nuclear power by different groups of states within the international community.

The Nuclear Non-Proliferation Treaty (NPT) is considered the prime institutional benchmark for ascertaining whether nuclear and non-nuclear weapon states uphold their respective responsibilities. Yet it is difficult to measure India against the norms of nuclear responsibility contained within the Treaty because India remains a non-signatory. Moreover, there are other dimensions to nuclear responsibility that require consideration, such as the security and safety of nuclear materials and activities, as well as national pronouncements and policies related to nuclear strategy. India's record when it comes to observable and measurable benchmarks of nuclear behaviour is a mixed, but increasingly positive one. Among its strengths are its compliance with significant parts of the NPT, and its declaratory policy on nuclear strategy, which centres on restraint. But India's standards of nuclear security and safety are the weakest element of its credentials as a nuclear responsible.

An analysis of India's nuclear behaviour, however, says little about the extent to which India has been accepted as a responsible nuclear power by different states within the international community. Despite committing a major act of proliferation in 1998 by conducting five nuclear tests, India was labelled 'a responsible state' by the United States in 2005. The two countries signed the Indo-U.S. Civil Nuclear Cooperation Agreement in 2006, which was endorsed two years later by the 45 members of the Nuclear Suppliers Group (NSG), a multi-national body that regulates the terms of global civil nuclear trade. This paved the way for the United States, France, Russia and six other countries to sign civil nuclear trading agreements with India.

India has thus succeeded in winning a limited degree of recognition as a nuclear power from the international community. This recognition is evident in India's status as the only nuclear possessor state and non-NPT signatory permitted to engage in civil nuclear trade with other states. However, the majority of states within the international community remain resistant to India's status outside the NPT and in opposition to India's access to civil nuclear trade as an NPT non-signatory.

The degree to which India's responsible nuclear status will be recognised more universally will depend on the extent to which India becomes successfully incorporated into key institutions of the global non-proliferation regime. There remain, however, significant institutional and political hurdles. Among these are the absence of a space for India within the NPT as it currently stands, and the continued resistance from a number of countries, in particular China, to the recognition of India as a legitimate nuclear possessor state outside the NPT. In regard to these challenges, the following policy recommendations may be considered:

- (1) Appeals for India to join the NPT should be deferred, at least for the foreseeable future. India's nuclear status outside the NPT no longer poses the same challenge to the non-proliferation regime that it once did. This is because its quest for the status of a nuclear responsible has served to encourage responsible nuclear behaviour and will likely do so into the future. Joining the Treaty is less important than compliance with the Treaty.
- (2) India's bid for membership in a number of multilateral regimes linked to the NPT regime should be encouraged and should not carry a prerequisite of NPT membership. India's ambitions to join these regimes are encouraging it to establish and implement more stringent export guidelines at the domestic level.

- (3) China's opposition to the recognition of India as a legitimate nuclear possessor state should be tempered if China does not wish to appear as an outsider to growing consensus on the inclusion of India within important components of the non-proliferation regime.
 - (4) India should strengthen its own non-proliferation commitments by contributing to negotiations towards a Fissile Material Cut-off Treaty (FMCT), implementing strengthened export controls, and improving the safety and security of its nuclear materials and facilities, in particular by reforming its nuclear regulatory agency.
 - (5) India might also consider its wider image and how universal support for its nuclear status can be strengthened through, for example, proactive steps towards global nuclear disarmament.
-

What is nuclear responsibility?

Nuclear responsibility is a characteristic of states that fulfil norms of legitimate nuclear behaviour, and whose fulfilment of those norms is recognised by others. An assessment of the nuclear responsibility of a given state is therefore, in part, an exercise in examining its nuclear behaviours in reference to a given set of behavioural benchmarks. Such an assessment must also, however, pay attention to the degree to which other states recognise or accept that a state's nuclear behaviours meet those benchmarks.

The Nuclear Non-Proliferation Treaty (NPT), opened for signature in 1968 and in force from 1970, lays out the expected behavioural norms for its signatories. The Treaty was extended indefinitely in 1995 and enjoys widespread adherence: to date, a total of 190 parties have joined.¹ India is not a signatory to the NPT. Nonetheless, India does seek status as a nuclear responsible and the NPT is not irrelevant to India. Even as a non-signatory, India's compliance with much of the Treaty has been an important part of its strategy to be recognised as a responsible nuclear state.

Other benchmarks of nuclear behaviour are also important. The main aims of the NPT are to prevent the proliferation of nuclear weapons, to secure for signatories the right to the peaceful uses of nuclear energy, and to work towards universal nuclear disarmament. This excludes other markers of nuclear responsibility, such as the security and safety of nuclear materials and activities, as well as national pronouncements and policies on nuclear strategy.²

A second, crucial dimension of nuclear responsibility centres on the politics of recognition. Responsibility, as Bukovansky et al have argued, is 'a site for the constitution of social and political power.'³ Norms and practices of nuclear responsibility are inter-subjectively determined, but they are by no means clear or settled, and the recognition of a state as a nuclear responsible occurs through a process of political contestation. This is particularly true where a state has a complicated relationship, as India does, with the central institution of the global non-proliferation regime, the NPT. Ultimately, any assessment of a given state as either a nuclear responsible or a nuclear irresponsible will be political because such evaluations never emerge from objective or neutral judgements. They depend, first and foremost, on the perspectives of key players within the global non-proliferation regime. The historical disposition, values and interests of influential global players are significant in assessments of nuclear responsibility. The United States has traditionally been the most powerful diplomatic force within non-proliferation institutions and the prime architect and guarantor of the non-proliferation order.

Evaluating India's nuclear behaviour

How has India measured up to key benchmarks of nuclear responsibility? One answer centres on an understanding of the degree of India's compliance with the NPT. A broader answer includes an evaluation of the standards of nuclear security and safety in India and an assessment of its national policies on nuclear strategy.

¹ North Korea announced its withdrawal in 2003, leaving 189 signatories. Only four states have not signed the NPT: India, Pakistan, Israel and the recently independent South Sudan.

² Nicola Horsburgh, 'Problematising the Idea of a Responsible Nuclear Armed State: China and the Global Nuclear Order,' IR Research Colloquium, Department of Politics and International Relations, University of Oxford (24 January 2013).

³ Milada Bukovansky, Ian Clark, Robyn Eckersley, Richard Price, Christian Reus-Smit and Nicholas J. Wheeler, *Special Responsibilities: Global Problems and American Power* (Cambridge: Cambridge University Press, 2012), p. 70.

Compliance with the NPT

The NPT lays out the behavioural norms expected of its signatories and remains central to any contemporary understanding of nuclear responsibility. The Treaty distinguishes between five Nuclear Weapon States (NWS) and all other states, which it classifies as Non-Nuclear Weapons States (NNWS), and allocates different responsibilities to each group. The former, comprising nuclear possessor states⁴ who tested a working nuclear device prior to 1 January 1967, have the responsibility to share the benefits of peaceful nuclear technology with non-nuclear parties to the Treaty and to take steps towards arms control and disarmament. The latter have the responsibility not to develop nuclear weapons, but in return have the right to use nuclear technology for peaceful or 'civilian' purposes.

India is a nuclear possessor state but, as an outsider to the NPT is, legally speaking, not bound by either set of nuclear responsibilities. It is unlikely that India's outsider status will change in the near future. As the NPT currently stands, it is difficult to imagine a space for India in the Treaty. India tested a working nuclear device after 1 January 1967, so it cannot be recognised formally as a NWS. India is highly unlikely to renounce its nuclear weapon capability, so India also cannot be recognised as a NNWS. Moreover, Indian leaders have long challenged what they see as the NPT's fundamentally discriminatory character. Their opposition is based on the Treaty's focus on the prevention of the spread of nuclear weapons, while the recognised NWS are, in a de facto sense, at liberty to increase their own nuclear arsenals. From this perspective, the NPT creates two tiers of states, where the majority have ceded their right to develop or possess nuclear weapons, while a minority face no constraints on their weapons development.

India's enduring critique of the NPT's bifurcation of the global nuclear order should not be mistaken for a rejection of all the Treaty's provisions. Indian officials have been keen to underscore that India both values and abides by key provisions of the Treaty. In May 2000, for example, External Affairs Minister Jaswant Singh claimed that 'India's

policies have been consistent with the key provisions of NPT that apply to nuclear-weapon states.⁵ India's decision to remain outside the Treaty has, in some respects, served India well. On the one hand India cannot be accused of violating the provisions of the NPT (as have Iran and North Korea) through the development of a nuclear weapons programme. On the other hand, India's compliance with the Treaty in most other respects is not legally required of India, and therefore India has arguably derived a degree of moral suasion from this voluntary compliance.

India's claim to have complied with the NPT bears systematic analysis. Of the Treaty's three pillars—non-proliferation, the peaceful uses of nuclear energy, and disarmament—India can demonstrate, on balance, a fair record, if it is judged as a Nuclear Weapon State. However, it is impossible to sidestep India's devastating breach of a key norm enshrined in the Treaty: that of Non-Nuclear Weapons States foregoing nuclear weapons. Insofar as India was classified as an NNWS under the NPT, it challenged the centre-most pillar of the Treaty, the prevention of the proliferation of nuclear weapons, when it tested one nuclear device in May 1974 and five more in May 1998. In 1998, India also challenged an emerging norm of non-testing growing out of the 1995 NPT extension and the conclusion of negotiations towards the Comprehensive Test Ban Treaty (CTBT) in 1996. The CTBT is yet to enter into force, but the NWS have maintained a moratorium on testing. India is one of only three states⁶ to have tested nuclear weapons since 1996.

More positively, since 1998, India has upheld a voluntary moratorium on testing. International attention has, in part, shifted to another dimension of India's proliferation: its record on the export of nuclear weapon materials, technology, and expertise. Article I of the Treaty commits NWS parties not to engage in the transfer of nuclear weapons or explosive devices to other states or parties, nor to assist or be involved in any other way in their manufacture or acquisition. Since the 1998 tests, Indian officials have been keen to emphasise India's 'impeccable' record on non-proliferation according to this definition, as would befit a NWS. India's positive track record was first

⁴ These are China, France, Great Britain, Russia and the United States

⁵ 'Statement to Parliament on the NPT Review Conference by External Affairs Minister Jaswant Singh, May 9, 2000', Disarmament Diplomacy, Issue No. 46, <http://www.acronym.org.uk/>, accessed 20 Feb 2014.

⁶ The others are Pakistan and North Korea.

recognised by the United States in the 2005 joint Indo-U.S. statement that signalled an agreement by the two countries to engage in civil nuclear trade. The United States, despite changes in leadership, continues to recognise this record.

India's proliferation credentials have, however, come under scrutiny from non-government bodies, in particular the Washington-based Institute for Science and International Security (ISIS). ISIS produced reports in 2006 and 2008, and again in 2013, pointing to Indian involvement in 'illicit nuclear trade'.⁷ Such claims have been dismissed by Indian officials and appear not to be corroborated elsewhere. Moreover, the reports' authors themselves note that the flaws they identify are not comparable to major proliferation episodes such as Pakistan's A. Q. Khan network or China's nuclear assistance to Pakistan.

India has taken several steps to develop voluntary nuclear export controls as part of its national nuclear policy. Since the 1960s, India has passed several laws, including the most recent 2005 Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act. India has also taken extra steps to prohibit the export of dual-use items and technologies or to permit them only under license. India's list of dual-use items, known as Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET), has been updated to meet those of the NSG and the Missile Technology Control Regime (MTCR).

Article III of the NPT prohibits the 'diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices' and requires parties to the Treaty to transfer nuclear materials and related equipment to other states only under International Atomic Energy Agency (IAEA) safeguards. In 2009, India agreed to the implementation of a new safeguards agreement through the IAEA, involving the separation of civil and military facilities, as is the case for NWS. Nineteen Indian nuclear facilities now come under IAEA safeguards. India has also signed, but not yet ratified, an Additional Protocol with the

IAEA. The purpose of the Additional Protocol is to provide the IAEA with information on any nuclear cooperation with NNWS and to assist the IAEA in detecting undeclared nuclear activities in NNWS.

Moving beyond proliferation, and in line with Article IV of the Treaty, India has been committed to supporting NNWS signatories to the NPT in their right to the peaceful uses of nuclear energy. This is significant because Article IV is a central part of the bargain struck between NWS and NNWS within the NPT. Further, India claims to be making serious efforts beyond those of the recognised NWS towards the fulfilment of Article VI, another key dimension to the NPT bargain. Article VI commits all parties to the Treaty to pursue negotiations towards global nuclear disarmament. To this end, Indian officials have emphasised India's longstanding commitment to disarmament and have underscored India's credentials as the only nuclear possessor state that is committed to commencing negotiations to bring about a world free of nuclear weapons.

Standards of nuclear security and safety

A fourth pillar of the multilateral non-proliferation regime – nuclear security – has gained currency in recent years. Nuclear security is defined as the threat posed by the possible theft or diversion of nuclear materials, which heightens the risk of nuclear and radiological terrorism. Nuclear safety, conceived of as the risks posed by nuclear materials and activities to the general public and the environment, is also an important domain of nuclear responsibility.

India's standards of nuclear security and safety are the weakest element of its responsible nuclear credentials. The increasingly influential *Nuclear Threat Initiative Nuclear Materials Security Index*, now in its second, 2014 edition, offers a damning assessment of the security conditions of nuclear materials in India.⁸ According to the Index, India ranks 23 out of 25 states. Indian officials have reacted strongly to the NTI index, and, as a broad brush framework within which

⁷ David Albright and Susan Basu, 'India's Gas Centrifuge Program: Stopping Illicit Procurement and the Leakage of Technical Centrifuge Know-How', 10 March 2006; David Albright and Susan Basu, 'Neither a Determined Proliferator Nor a Responsible Nuclear State: India's Record Needs Scrutiny,' 5 April 2006; David Albright and Susan Basu, 'India's Gas Centrifuge Enrichment Program: Growing Capacity for Military Purposes', 18 January 2007; David Albright, Andrea Stricker and Houston Wood, *Future World of Illicit Nuclear Trade: Mitigating the Threat*, 29 July 2013, ISIS, Washington, D.C., available at: www.isis-online.org, accessed 20 Feb. 2014.

⁸ Nuclear Threat Initiative, '2014 NTI Nuclear Materials Security Index', 2nd Edition, January 2014, available at: www.ntiindex.org, accessed 20 February 2014.

to assess the security of nuclear materials, the methodology employed in generating the Index has been critiqued.⁹ However, India's own domestic findings concur with the areas in which the Index sees India as performing particularly poorly, namely, Security and Control Measures and Domestic Commitments and Capacity.

Most problematically, a serious transparency and accountability deficit characterises both India's civil and military nuclear facilities. The Atomic Energy Act of 1962 recognises the Chairman of the Atomic Energy Commission (AEC), established in 1958, as the sole authority on all nuclear activities. The AEC is not required to report to parliament on its activities or engage in consultations, with the exception of its budget, which requires parliamentary approval. Further, India does not have an independent nuclear regulatory authority. While the Atomic Energy Regulatory Board (AERB) was constituted in 1983 to carry out the regulatory and safety functions of India's nuclear facilities, its monitoring and reporting mechanisms are in conflict. The AERB is responsible for overseeing the Department of Atomic Energy (DAE) and reporting back to the Atomic Energy Commission (AEC) on its findings. However, according to the Resolution constituting the AEC, the DAE Secretary is the ex-officio Chairman of the AEC. This significant link between the institution being monitored, the DAE, and the institution being reported to, the AEC, compromises the independence of the AERB. This shortcoming has been recognised by the Comptroller and Auditor General of India, who, in a 2012 report that scrutinised the AERB, found that India's nuclear regulatory authority was not sufficiently empowered or independent, or able to exercise the necessary authority in the setting, verification and enforcement of regulations on nuclear safety.¹⁰

India has, however, implemented domestic legislation to prevent the transfer of nuclear materials to non-state actors in line with UN Security Council Resolution 1540. India has also signed and ratified the 2005 amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM), which establishes measures

to ensure the physical protection of nuclear materials in international transport and to nuclear facilities and materials in the domestic setting. India has additionally signed and ratified the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), adopted by the UN General Assembly in 2005, which defines and criminalises nuclear terrorism and commits states to work together in the domain of nuclear security.

National pronouncements and policies on nuclear strategy and civil nuclear activities

India's declaratory policy on nuclear strategy centres on restraint. In official statements, India has been careful to underscore the non-coercive and non-aggressive dimensions of its approach to nuclear policy and to reassure the international community that it does not plan to engage in a nuclear arms race of the kind witnessed during the Cold War. In 1998, India declared a unilateral No-First-Use (NFU) posture and a policy of non-use against non-nuclear-weapons states. The policy of NFU was formalised in the 2003 'Indian Statement on 'Operationalisation' of Nuclear Doctrine', released by India's Cabinet Committee on Security.¹¹

Overall, India claims to seek only 'minimum credible deterrence' through its nuclear forces. Rajesh Basrur describes the Indian perception of minimum deterrence as one where 'deterrence strategy is in place with few weapons, with weapons of relatively little variety and sophistication, and with weapons that are not deployed or even assembled.'¹² This position is compromised, however, by India's preoccupation with improving its delivery systems and developing a triad of nuclear forces, that is, forces that are deployable from land, air and sea. Since India has not seriously expanded its arsenal nor moved to deploy its warheads, however, even when confronted with two high-tension crises with Pakistan in 1999 and 2001-2, it can be said not to have deviated significantly from its posture of credible minimum deterrence.

⁹ Jaideep A. Prabhu, 'How to Read the NTI's Nuclear Materials Security Index', 12 January 2014, available at: www.centreight.in, accessed 20 February 2014.

¹⁰ Comptroller and Auditor General of India, Performance Audit on Activities of Atomic Energy Regulatory Board (Department of Atomic Energy), Report No. 9 of 2012-13, available at: <http://saiindia.gov.in>, accessed 20 Feb. 2014.

¹¹ Government of India, 'Indian Statement on 'Operationalisation' of Nuclear Doctrine,' 4 Jan. 2003, available at: www.acronym.org.uk, accessed 20 Feb. 2014.

¹² Rajesh M. Basrur, *Minimum Deterrence and India's Nuclear Security* (Stanford: Stanford University Press, 2006), p. 44.

Taking the three sets of benchmarks of responsible nuclear behaviours together, India shows a mixed, but largely positive record. When judged as a NWS, India's compliance with the NPT is commendable. Its record on the proliferation of nuclear materials and expertise appears robust and in stark contrast to Pakistan's comparatively poor record on the export of sensitive technologies. India's bids for membership in the NSG, the Wassenaar Arrangement (which sets export guidelines for conventional arms and dual-use goods and technologies), the Australia Group (which focuses on export controls for the precursors for chemical and biological weapons), and the MTCR are serving to further strengthen its non-proliferation commitments. India has some way to go with regard to transparency and regulatory oversight of nuclear facilities at the domestic level, even while it has taken steps to fully participate in international legal commitments on nuclear security. At the level of declared nuclear strategy, Indian officials have repeatedly stressed India's voluntary moratorium on testing and posture of minimum credible deterrence. New Delhi's restraint in nuclear and conventional strategy was tested during the 1999 Kargil crisis with Pakistan, when India was careful to practise restraint on the battlefield by not crossing the Line of Control in Kashmir. Accordingly, international opinion came down overwhelmingly in India's favour.

Evaluating the acceptance of India as a nuclear responsible power

India's quest for high status in the international order has been an enduring one and recognition as a nuclear responsible forms an integral part of this broader project. As a rising power, it seeks responsible status as both a means to achieve other goals, such as access to civil nuclear cooperation, and as an end in itself.

However, India's nuclear status remained uncertain following its highly controversial nuclear tests in May 1998. Some 152 nations and several key international organisations denounced India and Pakistan's decisions to weaponise overtly. In June 1998, the United Nations Security Council (UNSC) adopted Resolution 1172, condemning the tests in South Asia. The resolution asserted, in accordance with the NPT, that India or

Pakistan could not be granted the status of a Nuclear Weapon State. As a result, India at the time was far from enjoying the status of a nuclear responsible.

Only a few years later in July 2005, however, the United States and India signed a joint statement in which they resolved to work towards full civil nuclear energy cooperation. Within the text of this agreement, U.S. President George W. Bush categorised India as 'a responsible state with advanced nuclear technology' and claimed that India 'should acquire the same benefits and advantages as other such states'.¹³ The statement marked an important shift in U.S. strategy towards a nuclear India. The efforts of the previous Clinton administration to 'cap and roll back' India's nuclear programme after the 1998 tests had been replaced by attempts to frame India as a nuclear responsible and thereby secure the basis for the commencement of civil nuclear cooperation. The positive evaluations of India as a 'nuclear responsible' that came to dominate official U.S. policy discourse were a product of careful framing and lobbying by both India and powerful groups in the United States. U.S. support for the bilateral nuclear deal was linked to hopes for closer economic engagement between the two countries in light of India's liberalisation and accelerated growth in the 1990s, and global partnership in international policy areas such as counter-terrorism. India's rising influence in Asia was also attractive given U.S. concerns about China's increasing power. Further, the proposed agreement offered domestic political advantages since it benefited U.S. nuclear energy interests, defence industries, and other suppliers of nuclear and high technology. Of course, interests alone cannot account for the U.S. decision to grant civil nuclear trading rights to India. Nuclear trade with India could not even have been discussed without sufficiently widespread perceptions that Indian nuclear weapons were not a national security threat to the United States. India's identity as a friendly democracy and a largely benign force in world politics, at least in relation to the United States and its interests, was equally a prerequisite to civil nuclear cooperation.

The NSG's endorsement of the U.S.-India nuclear deal in 2008 was exceptional because India was thereby exempt from the core norm that has governed the NSG's export policies since 1992.

¹³ Joint Statement Between President George W. Bush and Prime Minister Manmohan Singh', 18 July 2005, available at: <http://georgewbush-whitehouse.archives.gov/news/releases/2005/07/20050718-6.html>, accessed 16 March 2014.

This norm states that only parties to the NPT and other states with 'full-scope' IAEA safeguards agreements may benefit from civil nuclear trade. Instead of implementing a comprehensive safeguards agreement, India agreed only to arrangements that covered declared civilian nuclear facilities, not military nuclear facilities.

The NSG collectively accepted India's exemption from the group's usual export requirements. However, several NSG members participated in this consensus decision only reluctantly. While major nuclear supplier states such as France, the United Kingdom, Russia, and Japan began the negotiations in strong support of the exemption, several others, including New Zealand, Ireland, Austria and China, remained in opposition. Ultimately, the United States proved pivotal in lobbying with reluctant NSG members for a positive outcome, as did a written statement from India's External Affairs Minister that re-emphasised India's stance on non-proliferation and pledged to uphold its moratorium on testing and not share sensitive nuclear technology or material with others.¹⁴ China did not actively support the NSG waiver. Instead, the Chinese delegation reportedly allowed the exemption for India to be approved by consensus only in its absence.¹⁵ China's reluctance to grant India the NSG waiver stemmed from a belief that the U.S. nuclear deal affords India ill-gained levels of status and legitimacy within the NPT regime and is counter-productive to the future stability of the global nuclear order and China's position within that order.¹⁶

That India is now a participant in global nuclear commerce is surprising for two reasons. First, India has been an outsider to the NPT regime for decades, during which time only parties to the Treaty have been eligible to benefit from civil nuclear assistance and trade. After its 1974 test, India was targeted by multilateral technology denial regimes and excluded from global nuclear trade for over three decades. Second, India's 1998 nuclear tests placed India even farther outside the non-proliferation regime, since, in the aftermath of the tests, it resisted acceding to two central international non-

proliferation instruments, the NPT and the CTBT. Nonetheless, India has succeeded in winning a limited degree of acceptance as a nuclear power from the international community. This acceptance is evident in India's status as the only nuclear possessor state and non-NPT signatory permitted to engage in international civil nuclear trade.

Both the U.S.-India nuclear deal and the NSG waiver upon which it depends have been highly controversial within the context of global non-proliferation efforts. A central critique is that the United States prioritised its desire to enhance its bilateral relationship with India over its commitment to the non-proliferation regime. India may now access nuclear technology—one of the benefits of NPT membership—without being required to uphold the responsibilities required of an NPT signatory. Critics of the Indo-U.S. agreement, therefore, claim that the deal has significantly damaged the non-proliferation regime and set a dangerous precedent. Proponents of the deal, on the other hand, argue that it brings India some way into the framework of the nuclear non-proliferation regime because it has required India to grant international access to more of its civilian nuclear facilities than previously and to abide by the majority of NSG guidelines. In this sense, the deal has offered a creative solution to India's complicated status as a nuclear possessor and NPT outsider.

Since the passing of the NSG waiver, India has signed civil nuclear trading agreements with the United States, France, Russia, Mongolia, Namibia, Argentina, Canada, Kazakhstan and South Korea, and two further deals are currently under negotiation with Australia and Japan. These countries—three of whom are members of the United Nations Security Council—have taken the decision to engage in nuclear trade with India under arrangements that exempt India's military nuclear facilities from IAEA oversight. This suggests that India enjoys a limited degree of recognition as a responsible nuclear state. Fears that India could redirect civil nuclear material to its nuclear weapons programme or otherwise pose an increased threat to global security do

¹⁴ Siddharth Varadarajan, 'Thirty Words that Saved the Day,' *Hindu*, 8 September 2008, available at: www.hindu.com, accessed 20 February 2014; Pranab Mukherjee, 'Statement by External Affairs Minister of India Shri Pranab Mukherjee on the Civil Nuclear Initiative', 5 September 2008, available at: www.meaindia.nic.in, accessed, 20 February 2014.

¹⁵ Anupam Srivastava, 'NSG Waiver for India,' *PacNet #46*, 8 September 2008, available at: <http://csis.org/files/media/isis/pubs/pac0846.pdf>, accessed 16 March 2014.

¹⁶ Nicola Horsburgh and Kate Sullivan 'Global Responsibilities, Regional Competitors: Competitive Restraint in China and India's Nuclear Behaviour' (forthcoming).

not seem to outweigh the advantages that these trading partners perceive they will gain from civil nuclear commerce with India.

International opinion is, however, by no means united on whether India is a 'nuclear responsible'. In 2009, the 116 members of the Group of Non-Aligned States within the NPT clearly stated that nuclear trade should not be permitted to states which are not party to the Treaty.¹⁷ By 2013, their position had shifted slightly, requiring only adherence to comprehensive safeguards and to the Treaty as a condition for nuclear cooperation with NPT outsiders.¹⁸ The vast majority of members of the international community appear to remain dissatisfied with India's status outside the NPT regime and uncomfortable with India's access to civil nuclear trade. Whether this is because they seek a more robust, universal and comprehensive non-proliferation regime or because they have concerns about India's nuclear intentions is not clear, and positions likely vary.

The future of India and nuclear responsibility

The above analysis suggests that an answer to the question – is India a responsible nuclear power? – must rest on both the extent to which India has fulfilled norms of responsible nuclear behaviour and the extent to which states are willing to recognise India's nuclear behaviour as responsible. Currently, recognition of India's responsible nuclear status is far from universal and more will need to be done, both by India and its allies within the non-proliferation fold, to persuade the broader international community that India's exceptional status with regard to the NPT is both legitimate and supportive of global non-proliferation goals. This recognition will require a consensus on India's broadly positive record on NPT compliance, particularly in terms of nuclear exports, and India's largely benevolent nuclear intentions as reflected in its declaratory policy.

What, then, might policymakers take from the above? Firstly, appeals for India to join the NPT should be deferred, at least for the foreseeable future. India's nuclear status outside the NPT

may no longer stand as the significant challenge to the non-proliferation regime that it once was. Formal participation in non-proliferation institutions and treaties is without doubt important, but it is not everything. By framing India as a nuclear responsible and lobbying for the broader acceptance of this status, the United States and the NSG have drawn assurances and commitments from India that have begun to carve a space for it in the non-proliferation regime. India's quest for the status of a nuclear responsible has encouraged responsible nuclear behaviour and will likely do so into the future. India has clearly been incentivised by the recognition of its efforts towards non-proliferation and knows that irresponsible nuclear behaviour would be detrimental to the fulfilment of its future status and nuclear trading prospects.

Secondly, India is now actively seeking membership in a number of multilateral regimes linked to the NPT regime, such as the NSG, the Wassenaar Arrangement, the Australia Group, and the MTCR. This is to be encouraged, since these membership bids are driving India to establish and implement tougher export guidelines at the domestic level. The United States is, and should remain, a key actor in this process. India's entry into these regimes should not carry a prerequisite of NPT membership. However, India must be able to meet their stringent export requirements. A broad consensus among their members should be sought to this end.

Thirdly, while the United States facilitates India's inclusion in multilateral non-proliferation regimes, China continues to resist the recognition of India as a legitimate nuclear possessor state outside the NPT, and opposes India's membership in the NSG. If China's concerns lie primarily with strengthening the future of the non-proliferation order, then Beijing should accept India into these important institutions. If China's aim is to prevent India from securing legitimate and responsible nuclear status, however, it may increasingly find itself isolated in playing a spoiler role.

Fourthly, India should demonstrate its commitments to non-proliferation and nuclear security and safety more strongly. It should, for example, contribute to negotiations towards a

¹⁷ 'Statement of Ambassador Abelardo Moreno of Cuba on behalf of the Group of Non-Aligned States at the third session of the Preparatory Committee for the 2010 NPT Review Conference', available at: www.reachingcriticalwill.org, accessed 20 February 2014.

¹⁸ 'Statement by Ambassador Mr. Seyed Mohammad Reza Sajjadi of Iran on behalf of the Group of Member States of the Non-Aligned Movement at the second Preparatory Committee for the 2015 NPT Review Conference', www.unrcpd.org, accessed, 20 February 2014.

Fissile Material Cut-off Treaty (FMCT), implement strengthened export controls, and improve the safety and security of its nuclear materials and facilities. The reform of India's nuclear regulatory authority should be seen as an urgent priority, both to protect Indian citizens and in wider service of global nuclear security.

Finally, India's leaders may ask themselves what kind of image they wish to project on behalf of India to the wider international community, in particular to the 116 members of the Group of Non-Aligned States within the NPT. These states form a significant bloc within NPT Review Conferences and their collective position may

matter in the future, if, for example, discussions were to open on how best to significantly amend the NPT to incorporate India. India has maintained a powerful moral position in objection to the persistence of two tiers of states in the global nuclear order and it may be wise to try and revive the former social capital among developing countries that it derives from this.¹⁹ Since the tests of 1998, India has successfully played the role of innovator within the non-proliferation regime. India's capacity to change the terms of the nuclear order by challenging the status quo on global disarmament may be unique and the moment for doing so opportune.

¹⁹ See, for example: Gilberto Estrada Harris, "The Other Pacifist": Mexican Views on India's Quest for Great Power Status', in Kate Sullivan (ed.) *World Views on India's Global Role* (London: Palgrave Macmillan, forthcoming).

Author's Biography

Kate Sullivan is Lecturer in Modern Indian Studies at the University of Oxford's School of Interdisciplinary Area Studies and Research Fellow at Wolfson College, Oxford. She holds an MA in the Political Science of South Asia from the University of Heidelberg and a PhD in Political Science and International Relations from The Australian National University. Her research focuses on Indian conceptions of greatness in world politics, the history and identity of India's Foreign Service, and India's nuclear politics. She is currently preparing an edited volume, *World Perspectives on India's Global Role*, for publication with Palgrave Macmillan.

About RSIS

The S. Rajaratnam School of International Studies (RSIS) is a professional graduate school of international affairs at the Nanyang Technological University, Singapore. RSIS' mission is to develop a community of scholars and policy analysts at the forefront of security studies and international affairs. Its core functions are research, graduate education and networking. It produces cutting-edge research on Asia Pacific Security, Multilateralism and Regionalism, Conflict Studies, Non-Traditional Security, International Political Economy, and Country and Region Studies. RSIS' activities are aimed at assisting policymakers to develop comprehensive approaches to strategic thinking on issues related to security and stability in the Asia Pacific.

For more information about RSIS, please visit www.rsis.edu.sg.



**S. RAJARATNAM SCHOOL
OF INTERNATIONAL STUDIES**
A Graduate School of Nanyang Technological University

S. Rajaratnam School of International Studies,
Nanyang Technological University

Blk S4, Level B4, Nanyang Avenue, Singapore 639798
TEL 65 6790 6982 | FAX 65 6793 2991 | EMAIL wwwrsis@ntu.edu.sg | WEBSITE www.rsis.edu.sg