

CHAPTER- 6

INDIA AND THE GLOBAL NUCLEAR ORDER

India's nuclear evolution is marked by confusion and uncertainty with the international nuclear order, its engagement started with the anti nuclear activism, then proposed for an end to the nuclear testing after the US nuclear testing in Bikini Atoll in 1954, and then India signed Partial Nuclear test ban Treaty (PTBT) in 1963. India was at foremost during the discussion to establish the International Atomic Energy Agency (IAEA) to promote peaceful use of nuclear energy and enthusiastically participated in the negotiations on the Nuclear Non-proliferation Treaty (NPT), but eventually decided not to sign the NPT when it became apparent that it would become an unequal treaty. As pointed out by Scott Sagan, while negotiating the NPT draft India and Sweden proposed to incorporate a pledge to numerous 'tangible steps' including security affirmations for non-nuclear weapons states, end of nuclear testing and to stop the production of nuclear weapons. But U.S. and the Soviet Union declined to incorporate such particular measures in the final draft of the NPT.¹ Although, India is not a party to NPT, she had voluntarily adhered to the provisions of NPT. India had made six of its nuclear reactor open for IAEA inspections even though it was not obliged to do so. The nuclear test conducted by India in 1974 though officially termed as 'peaceful nuclear explosion', prompted the NPT members countries to set up the Nuclear Supply Group (NSG), in order to govern the supply of nuclear material and technology. As an outcome of the 1974 nuclear test, nuclear ban was forced on India and the transfer of nuclear technology and material such as nuclear fuel and uranium was denied to India. This prevented the Indian scientists from getting adequate exposure to international nuclear research and institutions. This led to an unhealthy tradition of secrecy regarding nuclear matters in India, as the Indian nuclear establishment had to keep the developments in the country's nuclear program under wraps so that it was not interrupted by external actors.

6.1. INDIA'S INTEGRATION WITH THE GLOBAL NUCLEAR ORDER

Despite its past, today, India is on its way to become an integral part of the international nuclear order, both in its strategic and civilian nuclear programs. The nuclear dialogue between India and US began in 2005, when President Bush and Indian Prime Minister Manmohan Singh began discussing nuclear cooperation. This engagement led to a new Indo-US partnership, which, in turn, redefined the Indian engagement with the international nuclear order. After years of sustained negotiations, India and the US announced Indo-US nuclear deal in 2005, and eventually signed it in October 2008 ending Indian isolation. The bargain that the two countries had struck was a useful compromise, India would not surrender its nuclear weapons to be a part of the international nuclear order nor had the NPT to be rewritten to accommodate India.

6.2. INDO-US NUCLEAR DEAL

6.2.1. Framework of the Indo-US Civil Cooperation

The 2008 Indo-US Nuclear Deal affirms the thriving of trust between the two countries. Condoleezza Rice, the then U.S Secretary of State visited India on March 2005 as part of her Asia tour and set forth the framework for cooperation between two democratic states which took the Indian government by surprise (Mohan 2006, p. 57). Rice shifted the terms of the debate completely by stating emphatically that the Bush administration was ready to consider civilian nuclear energy cooperation with India. A few days later, the US State Department proclaimed the administration's new India policy, to assist India to become a major world power in the 21st century (US Department Of State 2005). The very first step in that direction was to overcome the age-old distrust regarding the nuclear issues that had existed between the two states. It was clearly evident that both democracies wanted to take a path to a healthy strategic partnership ahead. The nuclear cooperation between India and the US was built up in two steps. Amid the visit of Prime Minister Manmohan Singh to Washington on July 18, 2005, the two states conceded to the principles of close India-US cooperation and collaboration in the nuclear field. On this ground, a more detailed agreement on nuclear cooperation was signed between the two states during President Bush's visit to New Delhi in March 2006.

6.2.2. The Joint Statement

On 18 July 2005 U.S President Gorge W. Bush and Indian Prime Minister Manmohan Singh signed a Joint Statement for a global partnership between US and India and proposed cooperation on a wide range of activities including agriculture, energy and the environment, combating HIV/AIDS, democracy, economy, terrorism, high technology cooperation, and disaster relief. The most notable area of cooperation was that of civilian nuclear energy cooperation. The Joint Statement contained five areas of agreement: namely, the economy trade and investment, energy and the environment, democracy and development, non-proliferation and security cooperation, and high technology trade and space.²

In this Joint Statement, President George Bush Jr. acknowledged India as “a responsible state with advanced nuclear technology” who “should acquire same benefits and advantages as other such states”(MEA, 2005). In pursuant to this objective, USA would

work to achieve full civil nuclear energy cooperation with India as it realises its goals of promoting nuclear power and achieving energy security... would seek agreement from Congress to adjust US laws and policies, and the United States will work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India, including but not limited to expeditious consideration of fuel supplies for safeguarded nuclear reactors at Tarapur (See Appendix IV Indo-US Joint Statement).

The Indian Prime Minister Manmohan Singh on his part, agreed to assume the following ‘responsibilities and practices’:

- to identify and separate military and non military nuclear facilities in a phased manner
- to file a declaration with regard to its civilian nuclear facilities and voluntarily place it under IAEA safeguards.
- to continue with its unilateral moratorium on nuclear testing.

- to work with the US towards the conclusion of a multilateral Fissile Material Cut Off Treaty (FMCT)
- to refrain from transferring nuclear enrichment and reprocessing technologies to other states that do not possess it and to support international initiatives to limit their proliferations.
- to abide by the provisions of MTCR and NSG guidelines.³

The US has equally guaranteed that it will:

- seek conformity from Congress to adjust domestic laws and policies;
- work with allies to regulate international regimes to facilitate full cooperation on nuclear trade with India; and
- confer with allies on India's participation in the ITER -fusion energy consortium -and support the development of advanced nuclear reactors in India.

As apparent from the joint statement above, each country was to initiate a number of steps, before the agreement could work out as intended. Implementing the Joint Statement was a tough task since both the U.S congress and the NSG export control regime restricted nuclear collaborations with India because under NPT India's nuclear status was not though she possessed nuclear weapons. In order to put the statement into action a lot of things had to be put in place.

6.2.3. The Separation Plan

The Joint Statement refers to “identifying, and separating civilian and military nuclear facilities in a phased manner and taking a decision to place voluntarily civilian nuclear facilities under IAEA safeguards.”

With regard to the Joint Statement India is required to identify and separate its military and non military nuclear facilities in a phased manner and voluntarily place its civilian facility under IAEA safeguards.⁴ The civilian nuclear facility will be placed under IAEA supervision. India's nuclear facilities include – research reactors (3) power reactors (15

operating, 8 under construction and 3 planned), breeder reactors (1 operating, 1 under construction), uranium enrichment (1 operating), spent fuel reprocessing (3), heavy water production plants (6), uranium processing (3 mines, 2 copper-mine tailing extraction units) (Squassoni, 2006, p. 8). After months of difficult negotiations, India's Separation Plan was tabled in the Parliament on March 7, 2006. The plan was updated on May 11, 2006, to include names of reactors and upstream facilities, as well as dates they would be submitted to safeguards.

The main provisions of the Separation Plan spelt out the nuclear facilities and activities that were to be under the IAEA shield. Out of 22 thermal nuclear reactors, India consented to put 14 of its thermal nuclear reactors under international safeguards by the year 2014. This amounts to 65 per cent of thermal nuclear reactors in operation or under construction. In its advance to the separation of its civilian nuclear facilities, India was mainly guided by the following principles: credible, feasible, and implementable in a transparent manner; consistent with the understandings of the 18 July Statement, consistent with India's national security and R&D requirements as well as not prejudicial to the three-stage nuclear programme in India, must be cost effective in its implementation and acceptable to Parliament and public opinion (MEA 2006). It was clarified that the Prototype Fast Breeder Reactor (PFBR) and Fast Breeder Test Reactor (FBTR) both located at Kalpakkam will be kept out of international safeguards, since the Fast Breeder Reactor is in R&D Stage and its technology will take time to mature and reach an advanced stage of development (MEA 2006). The decision to permanently stop the operation of CIRUS reactor by 2010 was taken and the preparation was initiated to shift the fuel core of APSARA reactor and place it under the safeguard by 2010. United States assured continuity of fuel supply to those Indian reactors place under the IAEA safeguard. However, the several nuclear facilities were not in the separation plan. These included — the eight indigenous Indian power plants, Fast Breeder Test Reactor (FBTR) and Prototype Fast Breeder Reactors (PFBR) under construction, enrichment facilities, spent fuel reprocessing facilities, research reactors- CIRUS, Advanced Heavy water Reactor, Dhruva, three heavy water plants, and various military related plants. The Chairman of the Atomic Energy Commission (AEC) Dr. Kakodkar argued that the breeder program could not be listen under civilian category because of the necessity of

maintaining long term energy security and to retain minimum credible deterrent (Baruah 2006). In keeping with its national objective goals and strategic autonomy India decided to keep breeder reactors outside IAEA supervision.

6.2.4. 123 Agreement

India became the first non-signatory of NPT to enter into 123 Agreement with United States. Indo- US 123 Agreement was completed after five rounds of negotiations for a year starting from June 2006 and the text was finally agreed upon on 20 July 2007. Some important provisions of the ‘Agreement for Cooperation between the Government of India and the United States of America concerning Peaceful uses of Nuclear Energy’ include the following:

First, the Agreement provides for civilian nuclear cooperation between India and US. India was authorized to reprocess spent fuel at a national reprocessing facility that India intends to set up under IAEA safeguards.

Second, India was given assurances of uninterrupted supply of fuel for its civilian reactors regardless of whether the United States terminates the 123 Agreement, though U.S. committed to create conducive environment to facilitate India access to international fuel market and help India sustain its strategic nuclear fuel reserve.⁵

Third, additionally the agreements also discuss a plausible situation of a future nuclear test by India. In such an occasion, immediate bilateral consultations should be initiated between two countries in order to carefully consider the situation arising from serious security concerns due to change in security environment or as a reaction to actions by another state which could affect national security.⁶

Fourth, the U.S. President preserved the right to demand the return of all U.S. supplied nuclear material and equipment. In such a situations, the Agreement text perceives “exercising the right of return would have profound implications” (Kronstadt, 2008) for bilateral relations and calls for both parties to “consider the potential negative consequences” of any termination of progressing collaboration (Kronstadt, 2008). For the

cooperation in nuclear fuel cycle activities, the Agreement also accommodates nuclear trade, transfer of nuclear equipment, material components and related technologies.

6.2.5. Henry J. Hyde Act

The Henry Hyde Act⁷ has been an important attachment of the Indo-U.S. Nuclear Deal. Under Section 401 of U.S Nuclear Non Proliferation Act (NNPA) 1978 prohibits US to enter into any agreement with a non-NPT member. Moreover to sign any such agreement, USA needs to pass a law to accommodate such an exception. As a consequence, U.S. had to pass the Henry J. Hyde United States- India Peaceful Atomic Energy Cooperation Act in 2006 (U.S. Department of State 2007) to ink the civil nuclear agreement with India.

The amended Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 gave a waiver from numerous requirements of the 1954 Atomic Energy Act to the US Nuclear Cooperation agreement with India. On 27 July, 2007 both the countries jointly announced that they had come to an agreement on the content of such an understanding. The Hyde Act was passed by an overriding 359-68 votes in the House of Representative on 26 July 2006 and by 85-12 in the Senate on 16 November 2006 mirroring a solid show of bipartisan support.

Although the Hyde Act has drawn considerable scepticism from Indian leaders, strategic analysts and media, the Indian Government had respected and welcomed the Hyde Act, but made it clear that India would not concede to any conditions that went past the parameters of the bilateral July 18, 2005 Joint Statement and the Separation Plan. The Indian Government viewed specific sections of the Hyde Act, as converse to the general provisions of the two prior joint statements. These included a formal ban on nuclear tests. Section 123(a)(4) of US Atomic Energy Act, stipulates that US have the right to necessitate the return of any nuclear equipments and materials transferred under 123 agreements if the beneficiary country detonates a nuclear test (Kimball & McGoldrick, 2007). This provision of the act to a larger extent drew a considerable suspicion in India.

6.2.6. India Specific IAEA Agreements

As stated in the Joint Statement, India will be obliged to file a declaration with regard to civilian nuclear facilities with International Atomic Energy Agency (IAEA). The integral part of the current non-proliferation regime has been the NSG Guidelines, based on the principles of NPT, which allows nuclear transfer of 'Trigger List' items without license to nuclear weapons states.

IAEA conditioned and safeguards the nuclear transfer of all the present and future peaceful activities to a non-nuclear weapon state (NNWS), known as the 'full-scope safeguards (FSS) or comprehensive safeguards'. Given that India as NNWS according to the NPT definition, the present NSG Guidelines implementations would invoke FSS" if India seeks nuclear technology or nuclear power plants – even on a turn-key basis – or nuclear fuel from any NSG member-country"(Ramachandran, 2005, p. 576).

In order to overcome this legal constrain, the export restrictions on India need to be lifted through a waiver by NSG and IAEA. IAEA, created in 1957 as a fall out of US President Eisenhower's 'Atoms for Peace' deals with nuclear verification and security, safety and technology transfer. Though not a specialized agency under the United Nations family, but it got a special status in the United Nations to see that nuclear technology for peaceful purpose is not digressed to military purposes.

Under the deal, the IAEA safeguard is to guarantee full international cooperation for peaceful purpose, to safeguard that such cooperation does not facilitate nuclear proliferations and to guard against withdrawal of safeguarded nuclear material from civilian use at any time. India submitted a copy of its separation Plan to IAEA on July 25, 2008.

On 1 August 2008, India specific safeguards agreement was unanimously passed by IAEA in its meeting of its 35 member board of Governors in Vienna without being put to vote (Rai, 2009, 71). Endorsing the Indian case, the IAEA Director General Mohammed El Baradei observed,

It would be a milestone, timely for ongoing efforts to consolidate the nonproliferation regime, combat nuclear terrorism and strengthen nuclear safety... The agreement would assure India of reliable access to nuclear technology and nuclear fuel. It would also be a step forward towards universalisation of the international safeguards regime... This agreement would serve the interests of both India and the international community.⁸

IAEA is supplemented by the Model Additional Protocol, to identify undeclared nuclear activities with NPT member state (Kerr 2012: 121). It enables the Agency a credible assurance against (clandestine) proliferation by an NNWS (Ramachandran, 2005, p. 586). The IAEA Safeguards on India are not full scope but 'India-specific'. Further, the agreement has a non-hindrance clause, which says that the IAEA shall implement the safeguards in a way intended to abstain from hampering India's economic and technological development and not to obstruct or interfere with any activities including the use of the nuclear material, non nuclear material equipment, components, information or technology, produced, acquired or developed by India independently of the agreement for its own purpose (Rai, 2009, p. 73).

Since International Atomic Energy Agency (IAEA) inception in 1957, India has played an active role and has emphasized on the importance of IAEA in promoting peaceful use of nuclear science and technology and extended comprehensive support to its safety-security-safeguards related responsibilities. India has been participating in IAEA's Advisory Groups and Technical Committees and contributes to its activities by providing experts, organizing training programs and workshops, and providing equipment. India is one of the founding members of the IAEA's International Project on Innovative Reactors and Fuel Cycles (INPRO). It also contributes \$50,000 annually towards the program.⁹

6.2.7. NSG Waiver

As a reaction to India's 'Peaceful Nuclear Explosion' of 1974, the Nuclear Supplier Group (NSG)¹⁰ was formed in 1975. The main purpose was to ensure that nuclear trade for peaceful use does not contribute to the proliferation of nuclear weapons

or other nuclear explosive devices, which would not obstruct international trade and cooperation in the nuclear field.

India has neither signed NPT till date nor is a member of NSG and consequently not eligible for any kind of nuclear trade with other countries. After India's submission of 'Separation Plan', U.S administration began persuading members of NSG regarding India specific special cases, which could exempt India to acquire nuclear technologies from these nations. On 8 September 2008, at Vienna, Austria meeting NSG conceded to grant India clean and unconditional waiver.

The final amendment not only exempted India from full scope requirements applicable for NNWS but also absolved India from automatic suspension of cooperation if India conducts a nuclear test. New Delhi welcomed the decision as “forward-looking and momentous” in “marking the end of India’s long isolation from the nuclear mainstream and of the technology denial regime.”¹¹

Independent proponents called it “a significant victory for those who welcome India’s rising global economic and political influence” (Kronstadt, 2009, p. 43). Indian PM Dr, Manmohan Singh noted, “the shift marked India’s emergence as the world’s sixth recognized nuclear weapons power in its legitimized ability to purchase nuclear fuel and technologies in the global marketplace while still maintaining a nuclear arsenal” (MEA 2008).

It is contended by many analysts that it was the US power and influence along with India’s non-proliferation credentials that compelled the recalcitrant members of the NSG, including China to grant India a waiver. The Australian Foreign Minister, Stephen Smith, during his visit to India said:

“The key factor to me is a recognition that India is on the rise. Not only does this century see a shift of strategic influence and power to the Asia Pacific, it also sees the rise of India. The importance of the NSG declaration reflects that fundamental appreciation by the international community (Rai, 2009, p. 70).

6.2.8. The Formal Signing of the Deal

The US Senate on 1 October 2008 endorsed the deal formally titled 'US-India Nuclear Cooperation and Non-Proliferation Enhancement Act' with 86-13 margin. The Then Secretary of State Condoleezza Rice and External Minister of India Pranab Mukherjee inked the deal on 10 October 2008 and came into force on 6 December, 2008. Condoleezza Rice expressed at the signing ceremony:

Many thought this day would never come. But doubts have been silenced now...with the conclusion of this civil nuclear agreement, our partnership will be limited only by our will and our imagination...Indeed, what is most valuable about this agreement is how it unlocks a new and far broader world of potential for our strategic partnership in the 21st century, not just on nuclear cooperation but on every area of national endeavor.¹²

Highlighting the significance of the Deal, External Affairs Minister Pranab Mukherjee affirmed;

The significance of this Agreement is that it is the first step to civil nuclear co-operation and trade between India and the USA. This is an agreement about civil nuclear co-operation and reflects a careful balance of rights and obligations. The Agreement has been passed by the US Congress without any amendments. Its provisions are now legally binding on both sides once the Agreement enters into force. We look forward to working with US companies on the commercial steps that will follow to implement this landmark Agreement (MEA, 2008).¹³

6.2.9. The Nuclear Liability

The stumbling block for the implementing the Indo-US Nuclear Deal was the entry of a bill on nuclear liabilities of Companies. On August 2010, 'The Civil Liability for Nuclear Damage Bill' was passed by both the house of the Indian Parliament which dealt with civil liability for nuclear damage and compensation in case of a nuclear

accident. India signed the 'Convention on Supplementary Compensation for Nuclear Damage' (CSC) on October 27, 2010.

The US State Department described India's decision to become a 53 party to the convention as "an important step in ensuring that U.S. nuclear firms can compete on a level playing field with other international competitors" because many other countries' nuclear firms "have other liability protections afforded to them by their governments" (Kerr, 2012, p. 3). The Nuclear Liability Act, 2011 was passed amidst great domestic upsurge and as of now no American Company has started any venture into Indian nuclear reactors.

6.3. IMPLICATIONS OF THE INDO-US CIVIL NUCLEAR COOPERATION

The broader implications of the 'Civil Nuclear Cooperation' could be better understood and India's options determined, if the validity of the reason in support and against the nuclear cooperation is carefully analysed.

6.3.1. CONTENTIOUS ISSUES

The negotiations on the deal continued for almost three years from 2005 to 2008. These negotiations not only saw the non-proliferation regime at stake but also the ruling political dispensation in India. The reaction to the Indo-US Deal was mixed in India as well as in United States of America. The Nuclear Deal has been hailed in the writings of Nicholas Burns, Sumit Ganguly, Amit Gupta, Ashley Tellis, Shyam Saran, Parag Khanna, C. Raja Mohan. On the other hand, others like Praful Bidwai, George Perkovich, Pratap Bhanu Mehta, Amit Baruah and others are either critical of the India -US relationship or apprehensive of the outcome of Indo-US nuclear deal. The Deal has been an issue of extensive discussion and analysis among intellectuals, nuclear scientists, political and strategic analysts. The contentious issues involved in the nuclear deal can be summarized under the following heads:

A. Separation of Civilian- Military Facilities

The issue of separating the civilian and military facilities has evoked controversies. The civil and military nuclear use has remained intertwined for almost sixty years and a clear-

cut segregation is not only costly but also difficult. The separation of military and non military facilities may involve serious repercussions for R&D and for weapon advancement and production facilities required for deterrent (Pant, 2007, p. 462). Besides, the U.S insistence to put the maximum number of nuclear facilities under IAEA safeguards including the fast breeding reactors, which India claims to be an indigenous test program, was seen as an endeavor to halt India's fissile production. The bifurcation of its nuclear-energy program into civilian and military sections will at a stroke destroy the structure of the broad-based dual use nuclear energy program.

The opponent of the nuclear deal from US argues that the major obstacle to the deal was the collapse of the non-proliferation goals. On the matter of separating the civilian-nuclear facilities, the US administration maintained that the separation must be "credible and defensible from a non-proliferation standpoint" to ensure US compliance with Article I of the NPT, which reads that a NWS should 'not assist a nuclear weapons program in a non nuclear weapon state'. It was further reiterated,

To strengthen the international non-proliferation regime and to meet our own expectations, the civil/military split must be comprehensive enough to strengthen the nuclear non-proliferation regime and to provide strong assurances to supplier states and the IAEA that materials and equipment provided as part of civil cooperation will not be diverted to the civil cooperation (Joseph 2005)

In response to criticism on this aspect of the deal, Indian PM Manmohan Singh in a Suo Motu Statement in the Lok Sabha on 27 February, 2006 clarified that

We have taken into account our current and future strategic needs and programs after careful deliberation of all relevant factors, consistent with our nuclear doctrine...there has been no erosion of the integrity of our nuclear doctrine, either in terms of current or future capabilities...it will be the autonomous Indian decision as to what is 'civilian' and what is 'military'. Nobody will tell us what is 'civilian' and what is 'military',¹⁴

It can be safely presumed that India was given an upper hand in determining which facilities it regarded civilian and accordingly place under IAEA inspections.

B. Nuclear Energy

The defender of the Indo-US Nuclear Deal argues that the deal aims at strengthening India's growing energy needs. The soaring demand for energy has been the consequence of India's economic growth. Energy deficit has emanated as a constraint on India's accelerating growth. However, such a claim is dubious as India's performance in nuclear energy has been disappointing. India utilizes 11 per cent of various available energy sources including oil, gas, coal, wind and nuclear power for producing electricity. Out of this only 2-3 per cent is produced through nuclear power. Once the civil nuclear cooperation agreement, materializes by 2025 in its true sense, then the production could increase to a maximum of 6-8 per cent only. Neither the predictions of Homi Bhabha who claimed the that -by 1987 nuclear energy would constitute 20,000-25,000 megawatts of installed electricity-generation capacity and later his successor Vikram Sarabhai prediction that by 2000 there would be 43,500 megawatts of nuclear power came true (Sultan, 2006, p. 6). India started using nuclear technology with the intentions of socioeconomic development, but even today nuclear energy contributes 3,300 MW, that is 3% of India's installed electricity capacity. Thus prospects of the deal on the energy front are not as promising as projected by the Indian political and strategic leaders.

C. Compromising National Sovereignty

Nuclear stalwarts like P.K.Iyengar, Bharat Karnad and A. N. Prasad (2009) noted that the deal "would undermine India's nuclear programme, hurt independent nuclear technology development, compromise the nuclear security interests of the country and strategic independence and lead to the loss of sovereignty"(Iyengar, et al, 2009, p. 15). The BJP opposed the deal mainly because of the terms of the deal endangers India's nuclear programme and thereby country's strategic autonomy. In response to the U.S. Congress's passage of enabling legislation-the Hyde Act- in 2006, the BJP listed numerous continuing objections, and called the deal "unacceptable" and aimed at "capping, rolling back, and eventually eliminating India's nuclear weapons capability"

(BJP Press Statement 2006). BJP stood against the deal on the ground of it compromising India's sovereignty. Jaswant Singh asserted that the deal compromised national security issues, sovereignty and independence of nuclear programme, autonomy of decision making and the future of R&D in nuclear field were jeopardized by signing the deal (Singh 2006).

D. Nuclear Testing

The issue of conducting nuclear test has generated heated controversies in India. According to the terms of the 123 Agreement, if India conducts a nuclear test then the US and NSG members would stop transfer of technology controlled by the NSG Trigger List. These conditions attached to Indian future nuclear testing is viewed with distrust as to force India's entry into the CTBT by the backdoor. Similarly the Presidential determination under section 106 of the Hyde Act provides that any waiver under section 104 will be ineffective if the President determines that India has exploded a nuclear bomb after the date of the order (U.S Department of State, 2007). What is worth noticing is that after Pokhran II, India in its Draft Nuclear Doctrine had announced a voluntary moratorium on nuclear testing and the deal merely reinforces that doctrine. India is bound by the bilateral 123 Agreement, which does not say anything about nuclear testing.

E. Global Disarmament

The critic of the deal, particularly the Left argue that India has left its age old championed goal of global disarmament far behind. India has betrayed its disarmament commitment and joined 'Atomic Apartheid' regime (For long India has championed the cause of universal elimination of nuclear weapons and by celebrating its implicit nuclear recognition, it has accepted the existing discriminatory nuclear order. Further the nuclear deal is depicted to erode India's credibility and global stature and “expose her colossal hypocrisy in masking a crude, dirty truth behind high moral posturing” (Bidwai, 2005, pp. 3362-3363). India has now upheld and sanctified the global nuclear regime, which for decades it had condemned as 'Atomic Apartheid' which can be largely considered as a moral back track.

F. Blow to Non-proliferation

Critics of the deal, in particular US, have pointed out that by giving an exception to India, the July Statement amounts to a violation of the non-proliferation regime. The opponent to the Indo-US nuclear cooperation regarded the agreement as a fetal error for the global non-proliferation regime, and have raised concerns over the domino effect as many non nuclear states will consider NPT as an "anachronism and reconsider their self-restraint, and be tempted by the precedent that India has successfully established and that now, in effect, has an American blessing" (Talbot, 2005, p. 14). Moreover, it is considered that states like Brazil, South Africa, Ukraine and others who have given up nuclear weapon programme might feel offended. The issue of dampened US non-proliferation goal has raised serious concerns within members of US Congress. Some US Congress members have asserted that "the US could not afford to play favourites and break the rules of the nonproliferation regime to favour one nation at the risk of undermining critical international treaties on nuclear weapons" (Pant, 2007, p. 459). Although the antagonist of the deal have pointed to the adverse implications it might have for the Iranian and North Korean calculations, however it can be argued that both these states pursued nuclear weapons long before this deal.

G. Right to Return

In accordance of the agreement on nuclear cooperation with non nuclear weapon states, the Atomic Energy Act grants US the right to return any transferred nuclear equipments and material or any special material produced through its use, if in case the cooperating detonates a nuclear explosive device. The provision of the right of the supplying country to take back its nuclear technology and knowhow once the receiving country —India violate the terms of the agreement—is not only a costly affair but also a humiliating one.

H. Fissile Material Production

As suspected by the critics the deal will be a setback for India's fissile material production. The nuclear deal, by itself, does not cap the amount of fissile material that India can accumulate. This can only happen once an FMCT comes into effect, and that is unlikely to happen in the foreseeable future. Mainly because of American ballistic missile

defence plans, China had blocked negotiations on the treaty in the Conference of Disarmament (CD) in Geneva (Mattoo, 2005, p. 3817).

The suspicions on the negative impact of the deal on India's fissile material production are also serious even if misplaced. As Strobe Talbott pointed out that:

In one important respect, India has received more leniency than the five established nuclear "haves" have asked for themselves: The US, Britain, France, Russia, and China say they have halted the production of the fissile material that goes into nuclear bombs, while India has only promised to join universal ban that would include Pakistan, if such a thing ever materializes" (Talbott, 2005, p. 3817).

I. Increasing Interference of USA in Indian Foreign Policy Choices

The most pervading obstacle to the Indo-US Nuclear Deal came from the domestic situation in India. Critics of the deal, particularly the Left parties in India have now and then alleged that because of the deal the influence and interference of US in India's foreign policy framework will increase. They cited India's vote against Iran in September 2005 and again in February 2006 in IAEA as a case of growing US clout over India's foreign policy choices.

Since the pronouncement of the Deal, the Communist Parties have been sceptical of the deal, as they constituted an important coalition of the Congress Party-led United Progressive Alliance (UPA) government. They had 59 seats out of 552-member of Lok Sabha. The CPM threatened the government to withdraw support if the deal is not renegotiated. Their main objection to the deal related to subservience of India's independent foreign policy. On the other hand, the BJP's opposition to the deal was political rather than substantive, which focused on the issue of India's compromising nuclear posture.

6.3.2. POTENTIAL BENEFITS OF THE DEAL

According to Stephen Cohen, " there are four schools of thought in India regarding relations with America: the Enthusiasts, the Free Riders, the Doubters, and the

Hostiles". The Enthusiasts and the Free Riders are defensive realists who support India's closer relation with the United States, arguing the threat India faces from rising China and concludes that US sees India as a potential strategic partner. On the other hand the Doubters and the Hostiles are offensive realists and reject closer ties with the United States (Cohen, 2003, p. 56). In the debate with regard to the Indo-US nuclear deal, we find all the four school of thoughts featured prominently.

Secretary of State Rice appeared before key Senate and House committees in April 2006 to press the Bush Administration's case for 'Civil Nuclear Cooperation' with India. The Administration offered five main justifications for making changes in U.S. law to allow for such cooperation, contending that doing so would-

- benefit U.S. security by bringing India into the non-proliferation mainstream;
- benefit U.S. consumers by reducing pressures on global energy markets, especially carbon-based fuels; • benefit the environment by reducing carbon emissions/greenhouse gases;
- benefit U.S. business interests through sales to India the nuclear reactors, fuel, and support services; and
- benefit progress of the broader U.S.-India "global partnership.

Rajaraman asserts that one beneficial outcome of the nuclear deal is that a "nationwide discussion took place on this subject" (Rajaraman, 2006, p. 3351). Interestingly, as seen above the main opposition to the Indo US Nuclear Deal did not come from international community but mainly from within India. The cost and benefit of the deal can be analysed from three spheres: economic, diplomacy and strategic and non-proliferation. On the business side the U.S. Chamber of Commerce-which, along with the 'U.S.-India Business Council', lobbied vigorously in favour of President Bush's initiative speculating that 'Civil Nuclear Cooperation' with India could generate contracts for American businesses worth up to \$100 billion, as well as generate up to 27,000 new American jobs each year for a decade (Yadav, 2010, p. 43). It was expected to "open up around \$ 27 billion in investment in 18-20 nuclear plants in India over next 15 years"

(Rai, 2009, p. 101). A modest estimate predicted the deal generating \$40 billion in new foreign investment in India (Kronstadt 2009: 38). India will be able to access civilian nuclear technology and fuel to expand its domestic programme. Further, the Nuclear Deal bears a possibility for India to escape the constraints forced by the NPT, which has denied India from importing certain nuclear technology. P K Iyengar further said, "nowhere in the Indo-US joint statement is there mention of any interference in our Military programme. It's only under the FMCT that the question of restricting the production of fissile materials for weapons comes in. That's a long way off...This is a welcome for the future agreement growth of our nuclear power industry" (Iyengar, 2009, p. 361).

The NSG waiver to nuclear commerce with India has been left entirely with the individual government. Ever since the NSG waiver, India has concluded numerous nuclear cooperation agreements with foreign nuclear suppliers. In September 2008, the Indian and French Governments signed a landmark nuclear cooperation pact that paves the way for the sale of French nuclear reactors to India. In December 2008, India and Russia signed agreements that would enable Russian firms to build four new nuclear power plants in India.

A deal with uranium-rich Kazakhstan was signed in January 2009. The Canadian Government, who had withdrawn all civilian cooperation with India following the 1974 tests, also signed a nuclear cooperation Agreement with India in 2008. On the strategic front, according to R.C Mohan, the Joint Statement of July 2008 had created a third type of nuclear weapons state, limited to India alone, giving it some of the right enjoyed by the favoured five permanent nuclear states which is not enjoyed by the rest (Mohan 2003). It signified the recognition of India's growing role in global politics. The global nuclear cooperation can be considered as a reward for India's creditable voluntary restraint on maintaining strict control over its nuclear technology and knowledge. Geopolitically, the deal is also seen as being a part of American strategy to counter the rise of China in Asia.

The Deal received its share of jubilation. Under Secretary of State Nicholas Burns, the lead U.S. negotiator, called the deal "perhaps the single most important initiative that India and the United States have agreed to in the 60 years of our

relationship [and] the symbolic center piece of a growing global partnership between our two countries” (Kronstadt, 2009, p 39). Further the former Atomic Energy Agency Chairman M. R. Srinivasan alleged that India has re-establishes her capabilities in the international stage by removing the decades of isolation in which its atomic power has developed (Bagla 2006).

The Indo-US nuclear deal reflects the significant influence of American power on the non-proliferation regime. In addition to the fact that the exemption given to India is mainly an acknowledgement of India’s growing stature in global polity. While the importance of the US for India has always been more obvious, there is now growing recognition within the US of the increasing importance of India on a number of grave matters such as terrorism, climate change, clean energy, free trade, maritime security and the promotion of democracy and secular values.

The Joint Statement of 18 July 2008 the phrase “state with advanced nuclear technology” clearly refers to India’s nuclear weapons capability and, to that extent, achieved the aim of an indirect U.S. acknowledgement of India’s status as a nuclear-weapon state. Accordingly the deal saw strong political divide in non-proliferation norms that over a period of time has acquired a life of their own, despite the fact that at first powerful states played a definitive role entrenched in the system. For instance, the deal was rationalised on the ground that it did not led to the breakdown of NPT but rather strengthen nonproliferation regime.

In the final analysis, the Indo-US nuclear deal symbolised transformation of India’s nuclear identity, from a pariah to partner in nuclear non-proliferation. India and the US are strategic partners with common interests. It is the sum of their clearly established while others are still evolving commonalities, shared strategic interests and cultural connections that will help forge an even closer relationship between them in the future.

6.4. INDIA AND THE INTERNATIONAL EXPORT CONTROL REGME

One of the major features of the contemporary nuclear order- apart the major treaty commitment of the NPT- is the existence of international nuclear cartels. These export control organizations have conventionally sought to confine India. Nonetheless,

post-2008 India has been in negotiations to gain membership of various international export control regimes. There are four international export control organisation namely:

First, the Nuclear Supplier Group (NSG), which "governs the export of items that are especially designed or prepared for nuclear use;"¹⁵ Second, the Missile Technology Control Regime (MTCR), which aims to control the "non-proliferation of unmanned delivery systems capable of delivering weapons of mass destruction, and which seeks to coordinate national export licensing efforts aimed at preventing their proliferation;"¹⁶ Third, the Australia Group (AG), which "seeks to ensure that exports do not contribute to the development of chemical or biological weapons;"¹⁷ Fourth, the Wassenaar Arrangement (WA), which aims to promote "transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations."¹⁸ Of the four, India has become the member of MTCR and Wassenaar Agreement. However, the NSG, which deals directly with nuclear issues, is the most significant in regard to India's civilian reactors. In the past India viewed these informal arrangements as technology-denial regimes, but today its feels the requirement to engage with them for mutual benefit.

6.4.1. INDIA AND NSG

Since India has been granted waiver from NSG guidelines in 2008, it has been seeking for membership in the nuclear and technological control regimes, specially the Nuclear Supplier Group (NSG). The waiver -imposed on India after its first nuclear explosion in 1947-revoke the restriction on civil nuclear trade with India and enables India to extensively increase its nuclear power generation and furthermore enter the export market in the upcoming years. In spite of the fact that the 2008 NSG waiver provides huge potential outcomes for India to engage in civilian nuclear trade with other countries- as a matter of fact India has indeed signed such civil nuclear cooperation agreements with several countries like Russia, France, UK, USA, Kazakhstan, Australia, and others- but being a full-fledged NSG member will provide greater conviction and a legitimate foundation for India's nuclear regime. Moreover, as India's international political, economic, military and strategic profile and influence increases, it would like to be a part of international rule formulating nations rather that rule abiding nations.

Therefore it is crucial that India gets due acknowledgment and a place on the high table of NSG (Ahmed S. N., 2017, p. 1).

The NSG, (known as 'London Club') was rather a group and not a treaty. The main purpose of the formation of NSG was to direct the countries possessing nuclear technologies to “coordinate their national rules for the supply of such technologies to states defined as non-nuclear weapon states under the NPT” (Rajagopalanand & Mishra, 2014, p. 212). It proposed to ensure that the nuclear trade for peaceful purposes does not facilitate nuclear proliferation and that the international trade and cooperation in nuclear field is not impeded unjustly in the process.¹⁹

In May 2016, India applied for NSG membership after perceiving that its application for membership stands a positive chance for approval by consensus. India had gathered the support of major countries like US, UK, France and Russia. An overwhelming majority of the NSG members are in favour of Indian accession except a small group of countries who had held out in 2008 waiver until the last moment. Countries namely Brazil, Austria, New Zealand, China, South Africa, Ireland, and Turkey opposed India's entry to NSG. This was not just in view of India not being a signatory to the NPT, but rather there were diverse reasons for which these countries has voiced their opposition to India's NSG membership. South Africa, who voluntarily gave up their nuclear programme in 1994, is against all forms of nuclear testing.²⁰ Amid Indian PM Narendra Modi visit to South Africa in 2016, a joint statement was issued stating that the South African Government expressed their support for India's bid to NSG membership.²¹ While New Zealand and Ireland emphasised on the 'criteria based approach' for entry of India into the NSG. However New Zealand Prime Minister John Key during his visit to India acknowledged the importance to India of joining the Nuclear Suppliers Group and also stated that New Zealand will keep on contributing productively to the procedure in progress in the NSG to consider India's membership. Brazil has opposed India's bid for membership on the ground of non-discriminatory criteria for membership, however during the Brazilian President Mr. Michel Temer visit to India in October 2016, in the 'India-Brazil Joint Statement' Brazil Governments expressed its willingness to the case of India's membership into the NSG.²² Indian President Pranab

Mukherjee in 2013 had sought the support of Turkey to secure membership into the NSG. The then Turkish Foreign Minister Ahmet Davutoglu expressed the Turkish 'criteria based ' support to India. In the recent visit (2017) to India the Turkish President Recep Tayyip Erdogan reiterated Turkish Government statement to support India.²³ However these countries were not expected to insist with their opposition, but apprehension towards China's posture lingered which came true when China vetoed India's entry.

China's opposition to Indian bid for NSG membership is rationalised on the ground of India being a non NPT state and India should accept the two-guidelines for conceding new members into NSG, which involves to reach an agreement on non discriminatory grounds applicable to all non NPT states and then to consider country specific membership issues at the second stage.”²⁴ The geo-politics involved in China's opposition to India's bid for NSG membership has been argued by former Foreign Secretary Shyan Saran, that China values its alliance with Pakistan not only because of low risk and low cost proxy against India but at present Pakistan has become an integral part of China's long term strategic plans, in particular, its One Belt One Road initiative. The China-Pakistan Economic Corridor (CPEC) will link China's Xinjiang province with Pakistan and terminate at the Chinese assisted port of Gwadar on Pakistan's Balochistan coast, provides a critical node where the maritime and land corridors converge. Therefore, on account of stronger alliance with Pakistan, China is willing to pay a higher political cost in relation with India. For these reasons it is unlikely that China will allow India's entry into NSG unless Pakistan's entry can be assured at the same time. The majority of NSG members are not eager to include Pakistan mainly because of its proliferation record, therefore India may have to wait a longer time for a possible opening in the future (Saran, 2016, p. 192).

Importance of NSG Membership

The NSG waiver in a way recognizes internationally India as a nuclear advanced country and promotes India's image in the international world order, regardless India is still not recognized as a Nuclear Weapons State. For number of reasons for NSG membership is considered to be important: The waiver provided the scope to conduct trade in nuclear fuel and technology to India, yet it remains vulnerable to uncertainty on a

sudden revision in the NSG guidelines surrounding the waiver. This uncertainty can be overcome only if India becomes a member of the NSG, which would ensure that no such negative actions could obstruct the steady progress of the Indian nuclear industry. Moreover, Indian inclusion would also secure the Indian nuclear cooperation agreements with other countries and unlock the door to international nuclear energy and technology. India's entry to NSG will boost its advancing nuclear technological knowledge which are essentially useful for energy production, health, defence and strategic development as well. The External Affairs Minister Smt Sushma Swaraj while addressing the question in the Parliament, said that "India being a part of rule making in the NSG is much better than being in the position of rule taking. Membership would provide for an uninterrupted access to nuclear energy required by the civilian nuclear programs of India."²⁵

Some of the strategist and policy-makers asserts that there is no requirement for India to pursue NSG membership, the rationale behind their position is the absence of any existing timeline to achieve universal nuclear disarmament. According to Ambassador Rakesh Sood who served as Special Envoy of the Prime Minister Dr. Manmohan Singh for Disarmament and Non-Proliferation expressed that the 2008 NSG waiver is adequate to facilitate India to engage in civilian international nuclear trade and commerce. The waiver is exceptional mainly because it is the only such waiver granted by the NSG and is an acknowledgement of India's excellent non-proliferation record, despite being a non signatory to the NPT. India has abided by the NSG Guidelines and accordingly coordinates its export controls. After the 2008 waiver, India has inked several civil nuclear cooperation agreements with more than a dozen countries therefore it is unlikely that the NSG would reverse its 2008 decision as these countries would likewise want to continue with their cooperation with India. India has inked several long term contracts for supply of uranium with supplier countries and has even concluded MOUs with France, Russia, US for supply of new generation, high capacity nuclear power reactors. A civil nuclear agreement with Japan has been finalized and should be concluded soon.

For these reason, India's aspiration for membership is more for political reasons than otherwise, to be part of the decision making process within the NSG. It additionally

marks the acceptance and acknowledgement of India's unique position as a responsible member of the international community (Ahmed S. N., 2017, p. 5).

6.4.2. INDIA AND MISSILE TECHNOLOGY CONTROL REGIME (MTCR)

The Missile Technology Control Regime (MTCR) was created in 1987 by the industrialized G-7 countries (France, Canada, Italy, Germany, United Kingdom, Japan and United States of America) to confine the proliferation missiles and missile technology. At present there are 35 countries that are partners in MTCR and four “unilateral adherents” states i.e. Israel, Romania, Slovakia, and Macedonia. It is an informal political understanding among members who initiated MTCR to deal with the increasing risk of nuclear proliferation and to destabilizing delivery system for nuclear weapons. In 1992, it further extended its focus on the missiles proliferation for the delivery of a wide range of weapons of mass destruction (WMD) comprising all nuclear, chemical and biological weapons. Proliferation of WMD has been recognized as a risk to world peace and security and the main intends to counter this danger is to be watchful over the exchange of missile equipment, material, and related technologies which can be utilized for systems equipped for delivering WMD. The objective of MTCR is to control the export of technologies that could contribute to delivery systems for such weapons. In this context, the Regime places particular focus on 'rockets and unmanned aerial vehicles' capable of delivering a payload of at least 500 kg to a range of 300 km and on equipment, software, and technology for such systems.

In early 1980's India initiated its missile development program and has developed the Prithvi short range surface-to-surface ballistic missile and Agni-I medium range ballistic missile. Ballistic missile programs are closely attached with nuclear weapons programs as they are the 'primary survivable delivery vehicle' for nuclear weapons. Moreover, they also hold "tremendous symbolism regarding state's capabilities"(Narang, 2009, p. 146).

In 1990's the official US policy was “to cap, roll back, and eventually eliminate” Indian nuclear and missile capabilities, therefore India was under enormous pressure to transform its nuclear and missile posture. US strongly opposed the deployment of Prithvi

missile and Agni missile and criticized Indian action as provocative and destabilizing South Asia. In 1992 US imposed sanctions on India's civil space programs taking into account the potential contribution of 'cryogenic rocket technology' to India's ballistic missile capability (Choudhury & Sultan, 2008, p. 8). However over the last decade US perception towards India has softened considerably as evident from US mute reaction to India's test firing of Agni III in 2007. Many Indian strategists have interpreted U.S. recognition of India as “a state with advanced nuclear technology” as de facto acceptance of India's nuclear and ballistic missile programs.

India has taken initiatives to strengthen its national export control law and policies on nuclear, missile, and dual-use technologies in accordance with global norms. The Weapon of Mass Destruction and their Delivery Systems (Prohibitions of Unlawful Activities) Bill was enacted in 2005. The Act "consolidated and expanded India's existing export control provisions by criminalizing unauthorized possession, export, and transit of materials and technology related to nuclear, biological, and chemical weapons and missile delivery systems"(Curtis, 2010, p. 9).

India has also coordinated its export control system with the guidelines and technology control list of the four control regimes. Special Chemicals Organisms Material Equipment and Technology (SCOMET) list in 2013, with eight categories was initiated. This has been regularly updated to harmonious with the guidelines and technology control list of the four control regimes. India has voluntarily adhere to MTCR regardless of its membership because it a responsible steward of its strategic weapons programs.

From a victim to becoming a member

India, considered itself to be the victim of the regime before becoming the 35th MTCR member, it faced sanctions and 'restrictions on the import of military technologies and systems' due to which India's defence projects suffered. Many projects got delayed due to sanctions imposed by US - after 1998 nuclear test- for example the Light Combat Aircraft project, programs like the Arjun tank and the Akash SAM systems which took decades to complete. Though India did manage to build such indigenous technologies

(Agni missile system) but it did cost more time to develop the requisite technologies. The MTCR had restricted the countries from exporting military technologies to India, these restrictions forced Indian scientists to build indigenous systems and technology as sophisticated materials and systems were denied to India. Former PM Atal Bihari Vajpayee had criticized the double standards of MTCR. He underline the unjust and discriminatory practices by those who possessed nuclear weapons and their hesitance to loan some assistance to India.²⁶ A Sivathanu Pillai, former head of the Brahmos project recount India's struggle for indigenization as nothing short of a "mini freedom struggle." He considered the MTCR as a blessing in disguise as a result of MTCR restriction, materials, technology, and electronic systems were unavailable and all these had to be made in India.²⁷

India's decision to sign the 'Hague Code of Conduct against Ballistic Missile Proliferation' (HCOG) on June 2, 2016 in Vienna, is yet another evident of India's exemplary record of non-proliferation which reassure India's commitments in working towards global disarmament.²⁸ The HCOG membership became instrumental in India's quest for MTCR membership, on June 27, 2016 Mr. Piet de Klerk, the Dutch chair of the MTCR released a statement that the "formal procedures" for inclusion of India in the regime was finalized. De Klerk's further said that India's membership "will strengthen global efforts to avoid proliferation of delivery systems" capable of delivering weapons of mass destruction (Devenport, 2016).

Benefits of being an MTCR member

The MTCR membership provides India the opportunity to invest and engage in the knowledge exchange program, working and in the reinvention of developing the indigenous defence sector and other initiatives, such as Make in India project.²⁹ Additionally, it would also benefit India in expanding its commercial state ventures, like the "export of sub-systems, satellites and commercial launch services etc."³⁰

Being able to access market in the space domain is another essential advantage of being an MTCR member which will permit MTCR countries to launch their satellite

payloads on ISRO's space launch vehicles. In spite of the fact that the MTCR does not differentiate between members, non-members and adherents, MTCR members like US does make a distinction in their national export control procedures. As a member of the MTCR, India will now have access to other important technologies in the area of avionics, diagnostics, testing and evaluation, which would have been denied to India by Western countries if India had not become a member of the MTCR (Vishwanathan, 2016, p. 221).

India's MTCR membership will also improve its joint endeavors with Russia, specifically the BrahMos. India will likewise have the capacity to purchase surveillance from different countries like the American Predator drone. The MTCR membership also permits India to keep on advancing its non-proliferation leadership and also to contribute towards regime by confining missile proliferation in the world.³¹ The rationale behind India's inclusion into the regime can be significantly drawn from India's commendable non-proliferation record and its sincere effort to work towards global elimination of weapon of mass destruction.

Another advantage of becoming a member of MTCR is that it will enable India to assume an active role in restricting global missile proliferation threat.³² India on various occasions has strongly expressed its commitment towards preventing WMD proliferation and the delivery system. Its entrance into MTCR will enable India's to live up to that commitment. India will likewise get the opportunity to participate in decision making process of the MTCR thereby setting the global standards for a responsible behaviour and help to guide the international missile nonproliferation effort.³³ India can help universalize the norms of missile non-proliferation and motivate non-adherent countries to coordinate their export control practices with that of MTCR.

6.4.3. AUSTRALIAN GROUP

Australia Group (AG) was established in 1985 after Iraq used chemical weapon in 1984. It is an informal group of 41 countries chaired permanently by Australia with the objective to assist member countries to identify exports that contributes to the development of biological and chemical weapons. The AG members are obliged to

harmonize export control and coordinate their national export control in accordance to Chemical Weapons Convention and the Biological and Toxins Weapons Convention. A membership criterion includes implementing an effective control system based on items on AG list which must be supported by adequate licensing and enforcement regimes. Members must also create "channels for confidential exchange of information and a denial notification system that protects commercial confidentiality"(Curtis, 2010, p. 7).

India is willing to become a member of the Australia Group and fulfills one of the main criteria of being a member of Biological and Toxin Weapon Conventions in 1974 and Chemical Weapons Convention force in 1997. Though not a member of the AG India has strict export control regulations outlined in the Special Chemicals, Organisms, Materials, Equipment, and Technologies (SCOMET) guidelines, Indian national export product control list includes goods, technologies and services which are subject to the requirement of dual- use licensing.³⁴ However, the only obstacle in the membership is that the AG maintains a control list which slightly differs from Indian list. This might cause India minor problems as certain elements of AG's list were left out of India's SCOMET list of 2016. However, these problems are not insurmountable.

The perks of Australia Group's membership to India can be summarized as follow, AG membership would facilitate India to participate in framing laws to avert chemical and biological weapons proliferation, which is of a great concern in volatile South Asia. It would also facilitate Indian lobby better for NSG membership as many of AG members are also members of NSG which will further give credibility. Thus the group should be open to India's membership as this would be a step toward integrating India into global non-proliferation efforts.

6.4.4. WASSENAAR ARRANGEMENT (WA)

In July 1996, 33 nations approved the Wassenaar Arrangement and at present there are 42 member countries including India who got inducted on December 7, 2017. It is a voluntary export controls regime for conventional arms and dual-use goods and technologies. The dual-use goods refer to commodities, processes, or technologies which

can be primarily used for civilian purposes and also can be utilized to develop or enhance military capabilities. The Wassenaar Arrangement replaced the Coordinating Committee for Multilateral Export Controls (CoCom), the Cold War organization that controlled sensitive technology exports to Communist nations. The Wassenaar Arrangement is specifically designed to contribute to regional and international security and stability, by “promoting transparency and greater responsibility with regard to transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations.”³⁵

Similar to other control mechanisms, Wassenaar Arrangement is voluntary and does not have enforcement and compliance provisions. Therefore there is no ambiguity which enhances confidence-building measure. Towards that end, the member countries created a set of “non-binding best practices” as a way of encouraging stricter acquiescence. As evident, in December 2000, the member states formulated best practices relating to implementation of national export control measures, disposal of excess military equipment, among others.³⁶

Unlike the NSG or the MTCR, Wassenaar Arrangement has defined criteria for participation. The eligibility for a state to become a member of Wassenaar Arrangement is based on whether a particular country is a "producer or exporter of arms or industrial equipments, whether WA Control list is taken into consideration while framing its national export control, whether it has adhere to non proliferation policies, control list and to guidelines of the NSG, ZA, MTCR and AG if applicable, abide by NPT, the Biological and Toxicological Weapons Convention, the Chemical Weapons Convention and (where applicable) START I, including the Lisbon Protocol and its adherence to a fully effective export controls."³⁷

India met three of these four criteria for gaining membership of WA. It is a producer and exporter of many of the items that comes under the Control lists of the Wassenaar Arrangement. India's rise as an exporter has ascends her prolife in the global supply chains and its leverage as an exporter will also increase. With regard to its non-proliferation policies India's adherence to the principles and norms of non-proliferation

has been well established. After all, it was India's exceptional track-record on nonproliferation made it possible to get the NSG waiver and got engaged in global nuclear commerce. It has also met the technical requirements of MTCR membership and became a member in 2016. It has signed and ratified the Biological and Toxicological Weapons Convention (BTWC) and the Chemical Weapons Convention (CWC). As far as the NPT is concerned, despite being a non signatory India has abided by the principles of the treaty and fulfills all commitments that the member of the treaty needs too. India's decision to remain outside the treaty cannot be considered as a hindrance to gain membership of WA. With regard to the criteria of non proliferation policies which begins with "where applicable" before referring to the NPT. Likewise the reference to NPT is with respect to "adherence" to the treaty and does not discuss "being party" to the Treaty.

Membership to the WA would enhance the recognition of India as a responsible partner in maintaining international peace and security. India's entry into the WA however, will not guarantee access to all the items that fall under its Control lists but increase the probability of importing those restricted items. However the transfers will be liable to India's bilateral negotiations with supplier countries. India as a supplier and exporter state under the WA will likewise get to exercise its own discretion in determining a particular export.

As a member India could take the responsibility of identifying which items and whether or not their exports are potentially destabilizing to international security. India is growing in its clout and capacity as a producer of many of the items that fall under the WA Control lists. Considering the competitive prices that it will be able to offer to the global market, India has the potential to soon emerge as a major supplier of these items. As a member of WA, India will be able to not only identify items whose exports should be controlled based on their sensitivity to international security, but also define these items that would serve best the WA's objectives. As an advanced and responsible power, it is to the benefit of the regime to have India inside, rather than outside. The advantages of India's inclusion to global non-proliferation regimes are significant. In essence, India is becoming a willing partner to abide by the global rules of the regimes. Bringing India into these will also go a long way in enhancing the credibility of these groupings. As

India is a global rising power with an exceptional track record in non-proliferation, it is in the interest of these regimes to facilitate its accession.

6.5 CONCLUSION

The influence played by the US in these multilateral export control regimes is undeniable. After all, it has had an important role in their establishment. Consequently, the US government carries a major role in India's integration process. There have been a couple of major factors that particularly motivated the US government to sign the civil nuclear deal with India and negotiate the India-specific waiver with NSG members. First was the anticipation of multiple business opportunities within India that would open up for the US civil nuclear industry. The commercial gain was one of the most important factors in generating domestic political momentum for civil nuclear cooperation with India. There was a realization that as India's economy grows, so will its demand for energy, to meet which, reliance on nuclear energy would expand significantly. That in turn would open up a huge market for the American civil nuclear industry.

The second factor was that of facilitating strategic partnership between India and the US. Over the last two decades, New Delhi and Washington's strategic interests have aligned well, especially in the Asia-Pacific where uncertainty over the implications of China's growing power has raised concerns in both the state. From that perspective, the civil nuclear cooperation agreement between India and the US was an indication that the two democracies were working towards strengthening their partnership and furthering their common strategic interests. These factors provided strong impetus for the US government to pursue both the civil nuclear deal and the subsequent NSG waiver. The US government has continued its support for the next stage of India's integration with the global nuclear order, In all the joint-statements issued by India and the US since 2010, US government has acknowledged India's efforts towards strengthening the global nonproliferation architecture and has noted that India is ready to be member of the international nuclear regime.

It is simultaneously important to acknowledge that both the global nonproliferation architecture as well as India's approach to it has evolved significantly

over the last two decades. What once was a troubled relationship is now marked by growing cooperation and trust. Indo-US Nuclear Deal opened the door to world nuclear order. It was the recognition of India's impeccable record and unwavering commitment to non-proliferation, and India's willingness to contribute to the same cause which led the international community, including the NSG and the IAEA, to formally accept India into its fold in 2008. The next step for India's integration with the global nuclear order was its inclusion in the four export control bodies, out of which India has been included in MTCR and WA in 2017. The memberships in these influential strategic affairs' groups, put India in unique position to bargain the entry into NSG³⁸ India got membership of both MTCR and Wassenaar Arrangement, without signing the NPT. Along with this, in July 2017, India signed bilateral treaty with Japan on nuclear civil co-operation. These enhance India's non-proliferation credentials, along with giving access to acquire some critical technologies. Along with this, Wassenaar Arrangement would also give India an opportunity to take leadership role in preventing these technologies going in hands of terrorists. These developments make India's case much stronger in the next plenary session of NSG in June 2018. India's accession into the global regimes will go a long way in raising the credibility of both India as a responsible stakeholder and the regime as open and inclusive within the global nuclear order.

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