

India and Nonproliferation: Thoughts on the Road Ahead

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The U.S.-India nuclear deal, which became the NSG-India nuclear deal, was supposed to bring India into the international nonproliferation “mainstream” and to consummate U.S.-Indian partnership. Therefore one might ask what more remains to be done in this area between the two states? What are the problems to be solved? What would motivate the U.S. and/or India to do more?

Thanks to the NSG-India deal, India already has been exempted from rules barring nuclear cooperation with it. India and the U.S. may not complete the necessary governmental and business arrangements necessary for nuclear trade between them, but India already has gained nuclear cooperation with Russia, France and perhaps others. This would seem to limit India’s motivations to “do more” to get more. What else does it want?

One answer could be that India feels that the international acceptance of its nuclear status is not wholehearted. India could want more complete recognition as the nuclear equal to the five recognized nuclear-weapon states.

Another answer could be that India shares the U.S. and broader international interest in strengthening the nonproliferation regime. Pakistan is a particular concern for obvious reasons. Further U.S.-India cooperation could help motivate Islamabad – by positive inducements or negative pressure – to take greater care to ensure that know-how, material or equipment does not flow from Pakistan to non-state actors or states that threaten international order. More broadly, states and industries that wish to see a global expansion of nuclear energy for peaceful purposes understand that proliferation (or nuclear accidents or terrorism) would create political backlash that could jeopardize the industry’s growth. Therefore India, the U.S. and others have interests in buttressing the nonproliferation system.

The U.S. has a third interest, which India says it shares: to help create a nuclear-weapon-free world. Indeed, India could say that it has promoted this goal longer and more genuinely than the U.S. has. Further cooperation between the two could be important to this end.

This paper explores how each of these objectives might be achieved.

To begin, it is necessary to recognize that the NSG-India nuclear deal has stimulated widespread dismay in many non-nuclear-weapon states and in Pakistan and Israel. Whatever good things that have come from it or might in the future, we must

recognize it has created problems too, especially in the global nonproliferation regime. One need not agree with the perspectives of disgruntled states or officials, but in moving forward it is useful to address the points they make.

Any member of the NSG could have blocked the nuclear deal. None did. This is misleading. Aside from Russia, France and the U.K., most NSG states regret that the deal was proposed. Japan, Germany, Brazil, Denmark, Ireland and others feel that opening full nuclear cooperation with India betrays an important premise on which others agreed not to acquire nuclear weapons. If obtaining full nuclear cooperation is a benefit of eschewing nuclear weapons, and now India receives that benefit after acquiring nuclear weapons, the others lost the relative gains that were supposed to attach to their abstinence. (A high-ranking Brazilian official told me that Brazil's adherence to the Additional Protocol was "the first casualty of the U.S.-India deal." To paraphrase, he said Brazil was prepared to sign the Additional Protocol, and then the deal was announced, and the highest authority was incensed that his country had joined the NPT and agreed not to acquire nuclear weapons, but now India has tested nuclear weapons and is being given all the benefits that Brazil could only get by joining the NPT.)

This has several implications. Non-nuclear-weapon states begrudge India, and much more pointedly, the U.S. for favoring India. The U.S. is routinely criticized for hypocritically trying to maintain a nuclear double standard in the world. Now India is also seen as a nuclear hypocrite for demanding that a double standard be extended to it. India and others have long criticized the U.S. for playing favorites in regard to trying to stem proliferation, looking the other way when Israelis or Pakistanis were acquiring the bomb, but going to war in Iraq, etc. Now India has become the favorite, and other people don't like it. This furthers the twinning of the U.S. and India as partners in hypocrisy or double standards. I offer these as statements of fact, not to reargue the wisdom of the deal. India sought what any state in its situation would.

As a result of these perceptions many states will not give New Delhi the full recognition it wants. Nor will Pakistan make additional nonproliferation commitments without receiving benefits like those India has obtained. Israel also wants to receive nuclear cooperation similar to that gained by India. But much of the rest of the world, especially Muslim-majority states, will not accept this. In this sense, the nuclear order is less orderly today than it was before the deal. If before there were three categories of states -- NPT nuclear-weapon states, non-nuclear-weapon states, and states outside the NPT -- now there is a fourth category, India. It stands outside of the NPT but receives the nuclear cooperation benefits of states within the NPT without all of the obligations even of the nuclear-weapon states.

How could greater order be created? This seems to be a central objective of the present project. One imperative is for all states to adopt the most robust possible laws and practices to prevent proliferation of know-how, material and equipment useable in nuclear weapons. Arguably these obligations already exist for NPT member states, and for all states according to UN Resolution 1540. The latter obligations apply to India, Pakistan, Israel, and North Korea even though they are not within the NPT. Of course,

India had this obligation before the nuclear deal. Nonetheless, New Delhi and the Bush Administration argued that the nuclear deal was necessary to induce India to adopt stronger export control laws and practices, etc. Israel already demonstrates exemplary nonproliferation policies and practices. North Korea is Israel's opposite in this regard, and it is difficult to see how Pyongyang can be induced by norms or the examples of others to follow suit. Indeed, North Korean officials told me privately one year ago, and now state publicly, that India is the model of what it wants: to receive nuclear cooperation and other forms of cooperation while retaining nuclear weapons. North Koreans grudgingly recognize the obvious fact that there is no comparison between itself and India; the point, they say, is the United States. Washington chose to change the rules for India because India is its friend. Now, if Washington wants to prove its good intentions toward North Korea, it should change its policies as it did for India. Perhaps if it received such a deal, Pyongyang would be willing to desist from behavior like its secret construction of a nuclear reactor in Syria, its nuclear and missile cooperation with Iran, etc. One has reason to doubt, of course. Pakistan also could be induced to do more on the nonproliferation front in return for new benefits.

Where to go from here?

The foregoing suggests several conclusions. First, all states are already obligated to do their utmost to stem proliferation, whether they are parties to the NPT or not. It is disingenuous for a state to say it is a highly responsible steward of nuclear technology, but then to condition adopting state-of-the-art nonproliferation norms and practices on the provision of special benefits. Moreover, if the point is to provide new inducements to more formally obligate and motivate the states that did not sign the NPT to adopt excellent nonproliferation practices, this has already been done for India and is unnecessary for Israel, which already practices the highest standards. Pakistan would seem to be the object of desire here, but it would want the same benefits India got.

However, because many non-nuclear-weapon states are unhappy over the India deal they would be unlikely to support adoption of a similar approach to the other states that did not sign the NPT and that now possess nuclear weapons. To many, incentives are supposed to be a reward for *not* acquiring nuclear weapons. They would argue that India, Pakistan and Israel got nuclear weapons, and they should not get anything more. These three states sacrifice nothing by adopting the strongest possible nonproliferation policies. After all, these three states should have no interest in allowing terrorists to acquire nuclear-weapon capabilities or in allowing additional states to get the bomb. And if they don't recognize this interest, offers of peaceful nuclear cooperation will not be enough to change their minds. Resistance to providing new inducements is especially strong regarding Israel, for reasons that anyone familiar with NPT debates would recognize. (Ironically, Israel has a better non-proliferation record than India and Pakistan).

At the core of the critics' complaint is the belief that India received too much in return for too little. In particular, many non-nuclear-weapon states object that India did not agree to sign the CTBT or adopt a moratorium on the production of fissile materials

for nuclear weapons. All the other nuclear-weapon states have done the former, and all but China the latter. To put it another way, in return for receiving nuclear cooperation equivalent to that of nuclear-weapon states under the NPT, India did not adopt arms control and disarmament commitments equivalent to those of the nuclear-weapon states. A proper bargain would trade relief from restrictions on nuclear cooperation for steps to end the global nuclear arms race.

This suggests that to build international support for buttressing the nonproliferation regime, the bargain of disarmament in exchange for nonproliferation needs to be extended to the three states. The minimal arms control and disarmament measures that might be acceptable to non-nuclear-weapons states would be signature and ratification of the CTBT and adoption of a moratorium on fissile material production for weapons, pending negotiation of a verifiable treaty. An alternative to ending fissile material production for weapons could be a commitment not to build new nuclear weapons. In simple terms, the aim would be to enable people around the world to conclude that the global nuclear arms race has ended.

Participating in efforts to end the nuclear arms race is an undisputed requirement of Article VI of the NPT (the part about nuclear disarmament is subject to more debate). While India, Pakistan, and Israel are no more ready than the five Treaty-recognized nuclear weapons states to eliminate their nuclear arsenals today, they should find it in their interest to declare that they would be willing to join in a declaration by all states with unsafeguarded fissile materials that they will not add to their nuclear arsenals. This would require changes in the current policies of China, India and Pakistan. Such changes are worth advocating. In any case, the core of the suggestion here – cooperating in key arms control and disarmament steps undertaken by the nuclear-weapon states – reflects the logic of the underlying purpose of this project.

Completing this sketch, I believe a sound policy would fashion a bargain wherein criteria are established for allowing nuclear cooperation with states currently not party to the NPT, in return for their accepting obligations to adopt and implement nonproliferation and arm control practices of the NPT nuclear-weapon states. This is implied in the terms of reference for this project. Such criteria could include: adoption, at a minimum, of the most recent IAEA guidelines in the areas of nuclear safety and security; a strong record of securing nuclear facilities and materials and maintaining controls on nuclear-related exports; rigorous sustained efforts to prevent terrorists from operating on their soil and to cooperate with international counter-terrorism activities; sharing information on requests to export sensitive nuclear technology or material listed in IAEA documents, and on requests for exports that have been denied; and a demonstrable economic need for peaceful nuclear cooperation. Arms control and disarmament criteria would include cooperation in enabling the CTBT to enter into force as a universal agreement, adopting moratoria on further production of fissile materials for nuclear weapons, and declaring willingness to join all other states with unsafeguarded fissile materials in committing not to use these materials to build new nuclear weapons.

Pakistan and Israel could choose to meet these criteria at any time and would then become eligible for nuclear cooperation. If they wanted to wait until all other states had implemented these measures, or their regional security environment had markedly improved, they could do so understanding they would not receive nuclear cooperation in the meantime. The U.S., Russia, France and other states should all the while urge India to ratify the CTBT and end fissile material production for weapons. If and when India did so, the standards set for India, Pakistan and Israel would be the same, and the distortion created by the NSG-India deal would be corrected. Going further, the U.S., the U.K., France and Russia could seek to persuade China, India, Pakistan, Israel and North Korea to join them in declaring they will not make new nuclear weapons.

The logic of the criteria-based approach is compatible with some parts of this project's terms of reference, including their reference to the Proliferation Security Initiative (PSI). While this initiative was very controversial when it was first proposed, in part because of mistrust or dislike of the Bush Administration, support has grown over time and with experience. It should be possible to evolve the PSI with inputs from responsible states such as India.