



Margalla Papers

Volume: 27, Number: 1 (2023)

Journal Homepage: <https://margallapapers.ndu.edu.pk/site>

e-ISSN: 2789-7028

ISSN-L: 1999-2297

RESEARCH PAPER

Strategic Considerations Overriding the Non-Proliferation Priorities: An Analysis of Indo-US Civil Nuclear Deal

AUTHOR(S): Tauqeer Hussain Sargana

Dr Tauqeer Hussain Sargana is an Assistant Professor at the Department of Politics and International Relations, International Islamic University, Islamabad. The author(s) can be reached at tauqeer.hussain@iiu.edu.pk.

KEYWORDS: Nuclear Deal, Non-proliferation, Strategic Partnership, NPT, Nuclear Suppliers Group.

DOI: <https://doi.org/10.54690/margallapapers.27.1.150>

BIBLIOGRAPHY ENTRY

Sargana, Tauqeer Hussain. 2023. "Strategic Considerations Overriding the Non-Proliferation Priorities: An Analysis of Indo-US Civil Nuclear Deal." *Margalla Papers* 27 (1): 40-52.

ARTICLE HISTORY

- **Received:** February 28, 2023
- **Peer Reviewed:** April 29, 2023
- **Revised:** June 01, 2023
- **Accepted:** June 15, 2023

COPYRIGHT: © 2023 Tauqeer Hussain Sargana. For detailed information, please visit our webpage <https://margallapapers.ndu.edu.pk/site/copyright>.

LICENSING: This is an open-access research paper published under the terms of a Creative Commons Attribution-NonCommercial 4.0 International License, which permits unrestricted use, distribution and citation provided the original author(s) and source are credited.



COMPETING INTERESTS: The author(s) have declared that no competing interest exists.

DATA AVAILABILITY: All relevant data are within the paper and its supporting information files.

STRATEGIC CONSIDERATIONS OVERRIDING THE NON-PROLIFERATION PRIORITIES: AN ANALYSIS OF INDO-US CIVIL NUCLEAR DEAL

Tauqeer Hussain Sargana*

Abstract

The study has reviewed a critical question of how great powers override non-proliferation priorities at times of strategic considerations by creating ease out of their international obligations. In 2008, the Bush Administration entered a strategic understanding with India to enhance cooperation in the nuclear field that paved the way for civilian nuclear trade with New Delhi and carefully crafted the power dynamics favouring India. This study finds out that the so-called 'Non-proliferation Enhancement Act' provided an undue advantage to India over Pakistan, thus forcing Islamabad to improve the effectiveness and outreach of her strategic assets to mitigate the apprehensive threshold. Although the nuclearisation of South Asia was implicated in the non-proliferation regime, it ensured strategic balance in the region and shall continue to do so in the national security calculations. The Indo-US nuclear cooperation continues to haunt the dynamics of nuclear parity that concurrently possess serious security implications for Pakistan by allowing India to manipulate the threshold. Therefore, this paper investigates the genesis of the Indo-US deal, the geostrategic and commercial interests of major powers underpinning this deal, implications for Pakistan, steps taken by Pakistan so far and the way forward. The study is deductive and has contested the assumption of the nuclear non-proliferation regime as a theoretical framework.

Keywords: Nuclear Deal, Non-proliferation, Strategic Partnership, NPT, Nuclear Suppliers Group.

Introduction

In 2008, the US entered into a strategic understanding with India to enhance cooperation in the nuclear field. It materialised when US President George Bush signed the famous legislation, "United States-India Nuclear Cooperation Approval and Non-proliferation Enhancement Act," formally allowing both states to enter civilian nuclear trade.¹ As a result, the legislation paved the way for civilian nuclear trade with New Delhi and carefully crafted the dynamics of the South Asian balance of power favouring India. Ironically, the so-called Non-proliferation Enhancement Act did precisely the opposite by giving India an undue advantage over Pakistan amidst tensions and mistrust between the two rivals, thus forcing Pakistan to further upgrade the effectiveness and reach of its strategic assets for safeguarding its vital security

¹Dr Tauqeer Hussain Sargana is an Assistant Professor at the Department of Politics and International Relations, International Islamic University, Islamabad. The author(s) can be reached at tauqeer.hussain@iiu.edu.pk.

interests. The deal also highlighted how great powers override the non-proliferation priorities at times of strategic considerations and create ease out of their international obligation. It not only reemphasised the apprehensions of both India and the US regarding the increasing influence of Beijing in the Asia Pacific region but also categorised their bilateral strategic nexus meant to protect global interests under a joint strategy. President Bush viewed India as a “potential counterweight to China” while believing it should “be accommodated into the global order as a responsible rising power.”²

India became a convenient pawn in this great game when aspiring for a major power status. Pakistan’s objections and intense lobbying in Washington against the discriminatory approach and country-specific waiver to India were of no avail. Despite Pakistan’s legitimate security concerns, the deal was inked for political and economic expediencies. Following the deal, India has been slowly yet steadily being mainstreamed into the international nuclear family with the support of the US and other Western states willing to bend the rules for India’s membership to the critical Nuclear Suppliers Group (NSG).³ India has already signed various nuclear pacts with almost 14 states, which provide requisite facilitation for constructing new nuclear plants and supplying uranium and nuclear fuel.⁴ These agreements also allow India to explore and enter into joint ventures related to mining uranium and exchange scientific development and research with each other.

It has given an edge to the idea at the cost of Pakistan, thus seriously affecting the notion of nuclear deterrence and stability in South Asia. Islamabad’s nuclear capability, which has ensured a strategic balance in South Asia, is vital to its national security equation. Any attempts to disturb this nuclear parity would pose serious security implications for Pakistan. Therefore, this paper investigates the genesis of the Indo-US nuclear deal, the geostrategic and commercial interests of major powers underpinning this deal, implications for Pakistan, steps taken by Pakistan so far and the way forward.

Nuclear Journey of India

New Delhi started pursuing a weapons programme soon after its independence by inaugurating the Atomic Energy Commission in August 1948. Dr Homi J. Bhabha became the first Chairman of the Commission and, also known as the founding father of the Indian nuclear programme, pioneered the first draft of the nuclear policy, which “chartered out a three-stage process to lead India to nuclear self-sufficiency,” but also called for developing every dimension of nuclear capability, including weapons.⁵ In pursuit of this policy, the first nuclear plant was established at Tarapur in the early 1960s, the fuel of which was ironically supplied under an Indo-US Nuclear Cooperation Agreement signed in 1963.⁶ It took another four decades before the two countries would reunite to collaborate closely in the nuclear field.

After being left out of the Non-Proliferation Treaty (NPT), India questioned the double standards of the nuclear powers and conducted its nuclear explosion in 1974 at Pokharan. The test used plutonium from a Canadian-supplied nuclear reactor which used US-supplied heavy water despite Indian assurances for 'peaceful uses' of the facility. It triggered the strengthening of IAEA safeguard rules and the establishment of the Nuclear Suppliers Group (NSG) to control the supply of uranium and other nuclear fuel. At this stage, Pakistan had also started its nuclear programme to counter this new threat from India. The two countries, India and then Pakistan in response, finally crossed the threshold in May 1998 with their respective nuclear tests heralding their entry into the nuclear club.

From the beginning of its nuclear programme, India has faced the dilemma between its vast ambitions and limited uranium reserves. This tension between Indian goals and resources was further accentuated as India grew economically and its interest in nuclear energy increased concurrently. For the Indian government, the civil nuclear deal with the US thus provided an escape from this dilemma, providing avenues for acquiring nuclear fuel from global sources without imposing limits on its nuclear programme.

The US choice to ink a nuclear deal with New Delhi came as a surprise to many. Indo-US relations have never been warm, given India's close ties with Russia. Their different positions on nuclear energy have been irritating their relationship, with India being subject to US sanctions on many occasions; however, after the landmark visit of the then US President Clinton to India in 2000, the first-ever US President who visited in 22 years, opened a new era of engagement. Bush Administration took the relationship to a new level by proposing the nuclear deal, which went against the US laws on nuclear proliferation. The US senior officials openly suggested that the US wanted to assist India in materialising its aspirations to become a global actor in the 21st century. The key driving force behind the deal was pursuing a strategic objective to bring India into the Western Camp and project it as a possible "counterweight against rising China."⁷

The contours of the emerging partnership were drawn during the last years of President Clinton's second term and were given the final shape during Bush Administration. An identical-worded statement which was released simultaneously in New Delhi and Washington in January 2004 on behalf of the Indian Prime Minister Vajpayee and the US President Bush, ambitiously committed to a strategic partnership and announced the Next Steps in Strategic Partnership (NSSP) for enhancing cooperation and implementing a 'shared vision'. NSSP, which was informally called Glide Path, was an initiative for collaboration-cum-assistance in four specific areas that included "civilian nuclear activities, civilian space programmes, high technology trade and missile defence."⁸ NSSP was unique on many counts and set the stage for transforming bilateral relationships to a more comprehensive strategic plane, mainstreaming India in the global nuclear club by accepting it as a partner in issues of WMD proliferation along with delivery means (it also allowed New Delhi to engage

with Washington on matters of nuclear regulation and safety related issues), creating an environment for high technology commerce and collaboration for the production of sensitive military equipment, and easing restrictions for export of technology related to dual-use items to India. NSSP was implemented in stages, starting from the slackening of restrictions on exporting equipment and technology for Indian space and nuclear programmes. Furthermore, the Indian Space Research Organization (ISRO) was removed from the banned list, facilitating the export of dual-use items to India for its civilian nuclear programme. Finally, NSSP culminated in the “Indo-US Civil Nuclear Deal” and got signed in July 2005.⁹

The decision to offer a nuclear deal to New Delhi almost consumed the two terms of President George Bush, particularly most of his second term. The then Secretary of State, Condoleezza Rice, played a decisive role in communicating and carrying messages to New Delhi. In March 2005, she paid an important visit to New Delhi and settled the groundwork for the Indian Prime Minister to visit Washington. Four months later, the deal was concretised during PM Manmohan Singh’s visit to the US on July 18, 2005. The Joint Statement, on occasion, dedicated two paragraphs to the deal conferring India the status of a responsible nuclear state, which has the right to “acquire the same benefits and advantages as other such states.”¹⁰

As part of the deal, the US was required to take three steps. The first and foremost step was to enter into a legal agreement with India under the 1954 US Act of Atomic Energy Section 123 called “Cooperation with Other Nations,” which is why the deal is often referred to as the 123 Agreement in literature.¹¹ The second step was to pursue US Congress for political backing to bring necessary changes into its domestic legislation to enter formal nuclear cooperation with India. Such changes would provide the US political administration with the required legal framework under constitutional protection for nuclear commerce with a non-NPT signatory country like India. Though fatal to the non-proliferation regime, the third step was to convince the cartel of voluntary export control regime, the NSG, to “relax its rules which prevented nuclear trade with India.”¹² NSG, the most powerful nuclear trade cartel, was established after the Indian violation of peaceful nuclear energy in 1974 when New Delhi conducted its nuclear test in Pokhran, named ‘Smiling Buddha’.

Interestingly, the Joint Statement also outlined the last two steps needed to formalise the deal, including the US President seeking Congress approval to soften American domestic legislation required to accommodate India into the international nuclear regimes by working with other allied countries. Both these objectives were achieved within three years when NSG granted a waiver to India in September 2008, followed by approval of the US Congress in October 2008. As part of the deal, the US also agreed to facilitate India’s participation in international research efforts like the “International Thermonuclear Experimental Reactor (ITER)” project in France and the “Generation IV International Forum” striving to make faster and more efficient nuclear reactors.

Within seven years of strongly condemning and imposing sanctions over Indian nuclear tests of 1998, the US had embarked on a global partnership with India, acknowledging its status as a *de facto cum de jure* nuclear status and struck a nuclear deal by amending the same domestic laws which it earlier invoked to chastise New Delhi. It is a classic example of political expediency and cold pursuance of one's national interests. Indian negotiators smartly sensed US burning desire to end up in a strategic partnership with New Delhi and exploited the situation to their advantage by extracting the maximum from the deal without compromising much on its core areas of concern. The Joint Statement had relatively low non-proliferation provisions, clearly indicating that Bush Administration gave significant concessions to India, disregarding concerns of the US non-proliferation lobby.¹³

The next section of the study would examine what drove the US towards a new relationship with India and how India could gain from this deal thanks to President Bush's largesse.

US Strategic Calculations

Driven by the yearning to work with New Delhi on a larger spectrum of strategic cooperation, the US was ready to compromise on its long-held stand on nuclear non-proliferation. The dialogue started by the administration of President Bill Clinton to engage India was taken to the next level by the Bush Administration, considering the strategic dimension of a more robust US-Indian relationship.

Therefore, the so-called Indo-US nuclear deal was vested in an explicit strategic dimension. As seen and advocated by many US officials, it was a means to counter Chinese influence in Asia. President Bush saw China as a 'strategic competitor' rather than a 'strategic partner'. Thus, countering the rise of China and its ever-growing power became the strategic imperative in US policy objectives towards the South Asian region. Other than India in the region, there was no other potential stooge to stand with the strategic nexus of the US that could provide security, economic and political sanctuary to Washington's countermeasures to China. Hence, India got fitted into a workable solution and alternative to Chinese power.

Interestingly, the nuclear deal was not the only manifestation of Washington and New Delhi to elaborate the ongoing discourse of strategic partnership. On June 28, 2005, exactly 20 days earlier, both Washington and New Delhi inked a 10-year ambitious and broad Defence Pact giving another push to India to attain the position of a significant world power. The arrangement was named the "New Framework for the US-India Defence Relationship," signed by Donald Rumsfeld, the then US Defence Secretary and Pranab Mukherjee, Indian Defence Minister. The arrangement called for a "joint collaboration in multinational operations when it is in their common interest," boosting missile defence and other high-tech cooperation, including R&D, testing and evaluation. The agreement led to the subsequent supply of Patriot missiles to India, lifting technology restrictions and paving the way for acquiring Israel's THAAD missile

defence system. This defence cooperation was renewed for another ten years in 2015 during President Obama's visit to India and is considered one of the driving forces in US calculations to continue sustaining the strategic partnership with New Delhi.¹⁴ Some key elements of this new Indo-US defence engagement are discussed in subsequent paragraphs.

Indian Gains

As part of the deal, while India was promised the same benefits and advantages, it was also required to assume the same responsibilities and practices while following the lead of advanced countries in nuclear technology. The so-called responsibilities and practices India had to exercise were related to five areas or benchmarks. First, the separation between the civil and military reactors that India is to announce. While doing so, it has to place all its civil reactors under IAEA safety, security and safeguard protocols. Secondly, a stronger export control regime has to be in place. Third, India must refrain from nuclear testing and join CTBT. Fourth, New Delhi put restraints on the production of fissile materials. Finally, the fifth area was about Indian nuclear status. However, India very smartly played its cards exploiting the US' keen interest in forging a strategic partnership. In each area, India was able to protect its interests and did not compromise on any of the core issues, as explained below.

a) Separation Plan and IAEA Safeguards

Keeping in view the vested mandate, New Delhi consented to identify a distinction between its civil and military reactors but proposed the separation plan in a phased manner. It also agreed to give "IAEA access to its civilian nuclear programme" but retained the right to determine which ones were civilians. Thus it categorically refused to place its domestically built Fast Breeder reactors (FBR) under safeguards, which inevitably allowed the IAEA safeguards to be placed only on 14 of its 22 reactors.

b) Export Controls

Ideally, the US should have asked India for strong domestic legislation and adherence to all five global initiatives like the Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG), Proliferation Security Initiative (PSI), Australia Group and Wassenaar Arrangement with substantial consequences in case of violating these commitments. However, while agreeing to strengthen its export control legislation, India accepted adherence to only MTCR and NSG guidelines. It also gave a commitment not to transfer enrichment technology and joined efforts to limit the spread of this technology, thus gaining a moral victory by showing a responsible stance. It allowed India to bid for its membership in MTCR which it did in June 2015, and subsequently got permanent membership on June 27, 2016.

c) Nuclear Tests and CTBT

India successfully resisted US pressure for reference to CTBT in the Joint Statement. It got away by mentioning its unilateral moratorium on nuclear testing, and that too with no consequences for testing.

d) Fissile Material Production Restraints

Earlier in the negotiations, the US officials recognised that India would not accept any fissile material stockpile and production restrictions. However, they tried seeking a process whereby India would be required to produce any fissile material for its weapons programme under safeguards. It would create a firewall between Indian civilian and military programmes and preclude any eventuality of the US indirectly supporting India's military programme. However, here also, the Indians prevailed and rejected any restrictions on its fissile material production and only accepted shallow obligations of simply working with the US to conclude a multilateral FMCT as envisioned in the July 2005 Indo-US joint statement.¹⁵ This way, India ensured that there would be no cap on its fissile material stocks nor any restraint on production for at least the next decade, as, in 2005, the negotiations on FMCT were yet to start.

e) Nuclear Status

The US desired to recognise New Delhi's nuclear status with similar rights and obligations to *de jure* states but under a *de facto* status. Contrary to that, New Delhi was unwilling to take any obligations as a non-NPT member. The US, after considering legal implications, "recognised India as a state with advanced nuclear technology."¹⁶

Indian-specific Additional Protocol

Under the deal, New Delhi agreed to "signing and adhering to IAEA Additional Protocol (AP) concerning its civilian nuclear facilities."¹⁷ The US legislation adopted in 2006 also specified fulfilling the same requirement before the US could engage with New Delhi for nuclear commerce. Accordingly, India negotiated and signed an Indian-specific AP in 2008, thus clearing the way for NSG to grant India the controversial and exceptional waiver. However, it took another six years before India finally ratified the Protocol in 2014.

Indian AP significantly differed from the IAEA 1997 Model Additional Protocol, which is generally considered the gold standard for safeguard agreements. An interesting study titled "Unconditional Surrender-India's Exceptional Protocol," co-authored by Robert Kelley, a former IAEA safeguard inspector and Brian Cloughley, the Australian defence analyst, termed Indian AP as a bogus document which at first glance may look like the IAEA Model AP, but on closer scrutiny "resembles a sandwich made from two slices of white bread with no meat."¹⁸

Furthermore, commenting on the weak draft of the Indian AP, the International Panel on Fissile Materials (IPFM), in one of its blogs, claimed about *Wikileaks* cable, which was associated with US Ambassador to IAEA Gregory L. Schulte, noted that “India’s draft AP text does not even go as far as the APs for Russia and China, the weakest among NWS, and is viewed in the Safeguards Department and the Office of the Legal Advisor as setting a bad precedent for not only Pakistan but Brazil.”¹⁹

Indian AP omitted many of the critical requirements vested in the Model Additional Protocol, particularly regarding providing information to agency inspectors. These included information on nuclear fuel cycle-related facilities, declared facility safeguards, the scale of operations of declared sites, maps and descriptions of declared sites’ buildings. More importantly, the Indian AP has a glaring omission in inspecting a declared site, which is the essence of the IAEA Model Protocol. Kelley and Cloughley believed this omission made the Indian AP dead on arrival. Thus India was scot-free to carry out with impunity tasks related to “mining, milling, plutonium production, uranium enrichment, reprocessing, heavy water production and nuclear weapons manufacturing at its un-guarded facilities without unnecessarily producing or diverting a single gram of plutonium from a safeguarded facility.”²⁰

Of India’s 22 nuclear facilities, New Delhi agreed to place only 14 reactors under IAEA safeguards, while the remaining eight were “Tarapur III & IV, Madras I & II, and Kaiga I to IV” outside the safeguard regime. Kelley and Cloughley further reiterated that “together these eight un-safeguarded reactors have 2350 MW of electricity generation capacity and could produce about 1250 kilograms of reactor-grade plutonium every year.”²¹ Moreover, New Delhi refused to admit safeguards on its FBRs and nuclear submarine propulsion programme.

By adopting this India-specific, IAEA watered down AP and, at the same time, bestowed special rights to India, contributed to eroding the credibility of efforts aimed at global non-proliferation and disarmament regime. Thus, from the signing of the Indo-US Nuclear deal, adoption of the IAEA Protocol and NSG waiver, India’s status has been transformed and acknowledged from a nascent to a global nuclear-weapon state.

Defence Technology and Trade Initiative

As mentioned earlier, a significant factor of the broader understanding vested in the strategic partnership of India and the US, which started with the launch of NSSP, was a newly structured and expanded defence relationship. In pursuance of this policy, a 10-year Defence Framework Agreement was signed in 2005, and the decision for its renewal for another ten years was ensured in January 2015 when President Obama visited New Delhi. The Joint Statement issued after the visit talked about two-way defence engagement, including technical cooperation, co-production and co-development, and setting up a defence industrial base in India to supplement the

Modi government's 'Made in India' initiative. Thus, the Defence Agreement incorporated a clause for the joint production of weapons, including the transfer of technology through the "Defence Technology and Trade Initiative (DTTI)" for the first time. Under the initiative, four initial projects termed as 'Pathfinder' were identified, which were "the next-generation Raven unmanned aerial vehicles (UAVs); reconnaissance modules for C-130J Super Hercules aircraft, mobile electric hybrid power sources, and a special chemical, biological warfare protection soldier uniform."²²

The agreement was signed six months later when US Secretary of Defence Ash Carter visited New Delhi. Under the agreement with Indian counterpart Manohar Parrikar, they decided to take cooperation further by manufacturing "jet engines and aircraft carrier design and construction."²³ To implement DTTI, a special cell called Indian Rapid Reaction Cell (IRRC) was also established in Pentagon. IRRC was the first country-specific cell of its kind in the Pentagon, and though ostensibly was aimed at streamlining bureaucratic procedures for selling American arms to India, it showed the US eagerness to tap into India's growing weapons procurement drive. Several American writers and defence experts have advocated for the US to actively support modernising the Indian Armed Forces through sale, joint production and technology transfer. Famous American writer Stephen Cohen in his book "Arming without Aiming: India's Military Modernization," which he co-authored with Sunil Dasgupta, advised the Obama Administration to "build upon the accomplishments of his predecessor" by taking some steps including technology transfers and weapons sales, facilitating reform of Indian defence structures and processes, expanded training programmes to include Indian bureaucrats and politicians and joint exercises.²⁴ Interestingly, the authors cautioned that while India should not be regarded simply as a 'cash cow', they also acknowledged that arms sales and technology transfer would be profitable for the American arms industry. At the same time, they claimed that Indian enhanced military and power projection while raising Indian prestige and profile would not affect the regional power balance. In their calculations, a stronger India would best serve US interests in the region.²⁵

This flawed thinking and mindset prevalent in the US administration and supported by American think tanks and analysts formed the basis of the Indo-US strategic partnership. In the process, Americans promoted the arms race in South Asia for commercial gains and narrow strategic purposes, thus damaging their foreign policy goals of greater harmony and stability in the region. In the long run, India would be converted into a 'Cheap Warehouse' for the global market, selling inexpensive Indian-made weapons but with US patents.

NSG Waiver to India and its Implications

Following the signing of Indian-specific AP with IAEA and US Congressional endorsement in 2008, NSG, under intense US pressure, granted a waiver to India, paving the way for India's participation in the global nuclear trade. Paradoxically, the countries which formed NSG following India's 1974 nuclear test now became strong

advocates of India's membership of NSG with an eye on the potential and lucrative Indian market. The NSG waiver seriously affected global nuclear proliferation and Pakistan's nuclear programme.

a) **Implications for Global Non-Proliferation Regime**

The arrangement damaged global consensus against nuclear non-proliferation and disarmament as enshrined in NPT by giving special concessions to a non-NPT state. It has severely weakened the NPT regime and given strength to the security dilemma while provoking many other nations' members of the NPT to withdraw and pursue ambitious nuclear passage. The withdrawal of non-nuclear weapons states from NPT would have a cascade effect and could escalate vertical and horizontal proliferation trends, thereby increasing the risks of nuclear misuse and accidents. As Oliver Meier pointed out that "the acceptance of India into the circle of recognised nuclear weapon states proved that universal and generally binding principles no longer formed the basis of global Non-proliferation efforts, but rather Western countries were increasingly deciding between good and bad proliferation."²⁶

b) **Implications for Pakistan**

The ease given in the so-call civil agreement and the possibility of extensive nuclear fuel sales to New Delhi to feed its power reactors has cast deep strategic shadows over Pakistan's matching capability. Such exceptional treatment has almost solved the domestic stocks and problems associated with limited uranium supplies, which are to be used solely in her military program. An opportunity to shore up its strategic nuclear reserves of stockpiles, thus increasing disparity with Pakistan. For this reason, Pakistan has been pleading at Conference on Disarmament (CD) in Geneva that any future arrangement banning the production of fissile material should also consider the existing stockpiles.

Post-deal Developments in India

Subsequent developments after the Indo-US deal, particularly concerning the evolving relationship between Pakistan and India, political changes in the two countries, adjustments in their military doctrines and growing conventional asymmetry, impacted the stability of deterrence in South Asia. It includes doctrinal transformation (Cold Start, force postures, nuclear doctrine, no first use, minimum credible deterrence and full spectrum), political transformation (rise of *Hindutva* ideology, global power aspirations, activation of Cold Start, increased desire for military adventurism and increased spending on defence and military modernisation) and technological transformation (BMDs, Indo-US high-tech trade and joint production of military hardware).

Pakistan has maintained that the discriminatory Indo-US deal altered the strategic balance in South Asia and undermined strategic stability in the region. Islamabad has argued that creating an exemption for India also weakened the global

non-proliferation regime. It has been asking the international community to appreciate Pakistan's national security challenges. In 2015 the then Foreign Secretary Aizaz Chaudhry said, "The international community must appreciate our legitimate security concerns and adopt a comprehensive non-discriminatory and fair approach towards the region. This myopic policy of dual standards towards South Asia, based on narrow strategic, political and commercial considerations, bodes ill for the region's long-term peace and stability."²⁷

Pakistan should continue to press for fair and non-discriminatory treatment on this issue. For Pakistan, there is little possibility of a nuclear deal with the US like what has been granted to India. However, if such an understanding is to take place, it will vindicate Pakistan's longstanding position and carry a higher symbolic political value than a commercial one. Unlike India, the global powers have few commercial interests in nuclear commerce with Pakistan. Pakistan should also ensure that in its attempts to reach a similar accord with the US (or the global community), it should not be asked to give up on its core interests. Asking Pakistan to concede more than what was asked from India in return for a nuclear deal would be a non-starter. At the same time, the stakeholders should exercise at home to continue identifying Pakistan's core interests and assess its positions in the context of the evolving global scenario of non-proliferation and nuclear disarmament.

The world always wants to know what Pakistan can do in return, particularly when discussing playing a mainstream role as a nuclear weapons state, whether through nuclear deals or membership of NSG, MTCR, etc. However, Pakistan has already undertaken many steps voluntarily (steps which India took because of its nuclear deal with the US). Pakistan's efforts to set up comprehensive Export Controls (harmonised with the controls adopted by NSG, MTCR, etc.) are well-recognised and praised by the international community. Pakistan has also invested a lot in its nuclear security architecture. Pakistan should continue to propagate its nuclear credentials as a responsible nuclear weapon state and advocate that its nuclear weapons are for deterrence purposes to preserve strategic stability in South Asia. It should continue to seek a mainstream role as a recognised nuclear state through intensive lobbying for membership in NSG and MTCR, if not through a nuclear deal. Furthermore, if Pakistan could take a strategic decision to declare a separation plan in its civil and military installations, that would impact international perception to allow a similar deal to India.

Conclusion

The international community keeps harping about South Asia being a nuclear flash point and airing concerns about the possibility of using nuclear weapons in case of the Pakistan-India conflict. It would have been ideal if the world had understood the political dynamics of South Asia, the historical evolution of the Pakistan-India rivalry and their critical security needs. The best guarantee of nuclear safety in South Asia could have been secured by recognising and including New Delhi and Islamabad

as nuclear weapon states. However, the discriminatory approach favouring India did the opposite, leading to more imbalances and instability.

Pakistan has come a long way in the ten years following the US-India Nuclear Deal. Today in a fast-evolving geopolitical environment, it has confidence and enjoys more leverage. Its strategic partnership with China, particularly growing ties with Russia, has raised eyebrows in Washington and New Delhi. Interestingly the US, purely out of this geostrategic necessity of not losing Pakistan to rival camps, has a changed view about the issue. It is contemplating giving Pakistan access to global nuclear commerce in exchange for a cap on its missile programme. US officials have even told Congress about the best practices of Pakistan's nuclear safety and its robust command and control of its nuclear arsenal.

On the eve of Prime Minister Sharif's visit to Washington on October 25 2015, the media was speculating that some nuclear deal between Pakistan and the US was in the offing, which would perhaps put some limitations on Pakistan's nuclear programme. The Foreign Office categorically denied it, while Prime Minister declared there would be no compromise on the country's nuclear programme. The Joint Statement after the visit dealt with the issue under a separate section titled "Strategic Stability, Nuclear Security, and Non-proliferation," besides recognising the importance of regional balance and stability in South Asia, the two sides agreed to stay engaged. At the same time, "Pakistan's efforts to improve its strategic trade controls and enhance its engagement with multilateral export control regimes" were also acknowledged.²⁸

The ups and downs vested in the strategic priorities of states, particularly the US, have developed an unprecedented trend in international politics. To keep its interest a top priority, political stalwarts in Washington have never felt excused, even deviating from international norms and commitments which once were pledged to strengthen the global security system. It is of no contradiction that global trends and strategic considerations of the US have time and again overridden the non-proliferation priorities. Now it is an appropriate time for Islamabad to use US leverage in the Export Control Regime and a unique position in the politics of civil nuclear energy to put forward its strategic interests. Without any doubt, the contemporary nature of US and Pakistan bilateral relations is paving an ideal discourse for Islamabad to compete with the Indian monopoly in the Export Control Regime along with civil nuclear discourse. The burden of weak diplomacy and futile bargaining over strategic interests shall not be the excuse; instead, robust foreign policy engagement and rigorous projection of Islamabad's priorities shall help to equalise its stature in South Asian politics.

References

- ¹ Monika Barthwal-Datta, "Constructing India as a Similar Enough Other: The Bush Administration's Strategic Narrative of the US-India Civil Nuclear Cooperation Agreement," *Journal of Global Security Studies* 6, no. 1 (2021): 71.
- ² David Moschella and Robert D. Atkinson, *India Is an Essential Counterweight to China—and the Next Great US Dependency*. Information Technology and Innovation Foundation, 2021.
- ³ Muhammad Murad, Muhammad Ramzan Kolachi and Uroosa Ishfaq, "Nuclear Suppliers Group (NSG) membership: The case of India and Pakistan," *Global Political Review* 3, no. 11 (2019): 31-39.
- ⁴ Pulkit Mohan and Pallav Agarwal, "India's civil nuclear agreements: A new dimension in India's global diplomacy," *ORF Issue Brief* 320 (2019): 2.
- ⁵ Khurram Maqsood Ahmad, "The Evolution of Indian Nuclear Policy," *Institute of Regional Studies, Islamabad* 36, no. 1 (2018): 89-107.
- ⁶ Shaista Tabassum, "Indo-US Nuclear Relations: An Appraisal," *Pakistan Horizon* 73, no. 3-4 (2020): 15-28.
- ⁷ David Moschella and Robert D. Atkinson, *India Is an Essential Counterweight to China—and the Next Great US Dependency*. *Op.Cit.*
- ⁸ Adam Erel, "United States-India Joint Statement on Next Steps in Strategic Partnership," *US State Department-Press Statement* (September 17, 2004).
- ⁹ Ahmad Ali, Javeria Noor Sawal and Noor Fatima, "Indo-US Civilian Nuclear Deal: Challenges and Options for Pakistan," *Liberal Arts and Social Sciences International Journal (LASSIJ)* 6, no. 1 (2022): 109-127.
- ¹⁰ Ravi B Grover, "Opening up of International Civil Nuclear Cooperation with India and Related Developments," *Progress in Nuclear Energy* 101 (2017): 160-167.
- ¹¹ *Ibid.*
- ¹² *Ibid.*
- ¹³ Dhruva Jaishankar, "Chronicle of a Deal Foretold: Washington's Perspective on Negotiating the Indo-US Nuclear Agreement," In *Indo-US Nuclear Deal*, pp. 103-126. Routledge India, 2014.
- ¹⁴ White, Joshua T. "After the foundational agreements: An agenda for US-India defense and security cooperation." *Brookings Institution* (2021).
- ¹⁵ US State Department Joint Statement by President George W. Bush and Prime Minister Manmohan Singh (2005).
- ¹⁶ *Ibid.*
- ¹⁷ *Ibid.*
- ¹⁸ Robert Kelly and Brian Coughley, "Unconditional Surrender –India's Exceptional Protocol," *Atomic Reporters* (June 25, 2014).
- ¹⁹ IPFM, "India ratifies an additional protocol and will safeguard two more nuclear power reactors," *International Panel on Fissile Materials* (July 01, 2014).
- ²⁰ Robert Kelly and Brian Coughley, "Unconditional Surrender –India's Exceptional Protocol," *Op,Cit.*
- ²¹ *Ibid.*
- ²² Rajat Pandit, "India, US to kick off joint production on 4 defence projects," *The Times of India* (January 26, 2015).
- ²³ "Joint Press Briefing by Secretary Carter and Minister Parrikar in the Pentagon Briefing Room-Secretary of Defense Ash Carter, Indian Minister of Defence Manohar Parrikar," *DoD Department of Defense* (December 10, 2015).
- ²⁴ Stephen P. Cohen, and Sunil Dasgupta, *Arming without Aiming: India's Military Modernization* (Brookings Institution Press, 2013), 67.
- ²⁵ *Ibid.*
- ²⁶ Oliver Meier, "The US-India Nuclear Deal: The End of Universal Non-Proliferation Efforts?" *Internationale Politik und Gesellschaft* 4, no. 2006 (2006): 28-43.
- ²⁷ Aizaz Chaudhry, "World powers urged not to pressurize Pakistan on N-issue," *Dawn* (October 30, 2015).
- ²⁸ "Nawaz, Obama meet in Washington, vow to strengthen ties," *The News International* (October 22, 2015).