

Impact of Indo-US Civil Nuclear Deal on Pakistan's Security

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Abstract

The 'Indo-US civil nuclear cooperation' has casted negative shadows over Pakistan's security with that of strategic stability in South Asia. This paper makes the point that the emergence of strategic partnership between Indian and US has served bilateral objectives while impacting deeply on the geo-political landscape of Pakistan's strategic interests. The fundamental strategic objective of Pakistan has been to resist Indian hegemonic role in the region. To achieve such a balance the country has not only joined security alliances in the past but had to detonate its nuclear weapons in reaction to Indian attempt to outburst the 'balance of power'. Due to Indo-US nuclear cooperation, suddenly Pakistan came under stress as it allowed India to feed its civilian reactors by importing fuel from international market with that of using domestic fuel in its military reactors. This not only allowed India to fix energy shortfall but also sustain its nuclear weapons program. Pakistan contrary to that was set-aside and denied the similar treatment as of India. Therefore, this paper has made an attempt to objectively analyze the premises of Indo-US nuclear cooperation and highlight security implications for Pakistan. The study is deductive in nature and has used mixed method approach with qualitative research methodology.

Key Words: Indo-US civil nuclear deal, NSG, Pakistan, nuclear non-proliferation, strategic stability, United States, IAEA, 123 Agreement, deterrence

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Introduction

Indian aspirations to seek nuclear technology with that of its civil and military benefits have been a discourse that is spread over many decades. Though, the country is today much advance and comfortable in exercising its commercial-cum-security endeavors but the case was not so convenient and politically viable during Cold War period. The overall struggle somehow has placed not only her aspirations at the core of national security but also deeply invested political gambling in its diplomatic postures. For example, during first two decades of its sovereign journey (1950's and 1960s), the so-called democracy cherished a non-nuclear attribute in her diplomacy while emphasizing and joining global 'arms control and disarmament'. With that of her 'border dispute in 1962' with China and later Chinese nuclear explosion of 1964; New Delhi has completely shifted its nuclear exposure with clear intensions to develop nuclear weapons. When it comes to draw threat perceptions of Indian strategic thinking, China has been the case behind Indian motivation to get into nuclear exposure (Ganguly, 2010). Furthermore, the Chinese factor behind Indian nuclear aspirations has been also projected to strengthen New Delhi's claim that during Nehru era the nuclear research was of 'peaceful purposes'. Therefore, the regional circumstances pushed India to initiate nuclear weapons program.

Contrary to this claim, Dr. Zafar Iqbal Cheema in his book "*Indian Nuclear Deterrence: its evolution, development, and implications for South Asian Security*" recalls this approach as a 'fallacy'. For example, the preamble of the book maintains that "this study establishes, through incontrovertible documentary evidence, the fallacy of the conventional view that India's nuclear program entailed 'exclusively peaceful uses' during the Nehru era" (Cheema, 2010). In fact, it

was Dr. Homi J. Bhabha who being architect of Indian nuclear program has been pursuing ‘*deterrent in extremis*’ with clear approval of the Indian Prime Minister, Jawahar Lal Nehru. Nehru has been adamantly pursuing military track under the umbrella of ‘peaceful program’. Thus, Lal Bahadur Shastri the successor of Nehru only gave political impetus to ongoing technological process rather initiated the program as a whole.

Whatsoever, was the truth behind Indian nuclear aspirations is a bygone subject but the reality is that the exploiting plea was not the strategic environment rather Indian own ambitions to achieve nuclear status even during a time-period when there was not a single indication of China ending up into nuclear posturing. This is the classic example of Indian gambling with fool-proof diplomatic lies that it has been vesting over the period of time. Even today’s international diplomacy of India is full of such dichotomy. The responsible world at large was quite aware of the Indian bluffs with that of nuclear motivations. It was 1974 when Indians by exploiting the civil nuclear arrangement with US and Canada detonated the device in Pokhran and cunningly labeled the test as a peaceful explosion (Huntley, 2008). Irony of the fact was the so-called name ‘Smiling Buddha, which India did not spare. The hypocrisy was rightly taken into consideration when the then ‘London Group’ came together and formed a Nuclear Suppliers Group (NSG) to punish acts like India (Burr, 2014). The group established a robust mechanism to curtail Indian like events with that of nuclear trade regulations among nuclear technology countries. The group in fact complemented the ‘nuclear non-proliferation treaty (NPT)’ and ‘international atomic energy agency (IAEA)’ protocols under a voluntary arrangement that finally gave birth to an ‘international non-proliferation regime’.

Time passed away and the NSG being the international nuclear trade cartel continued upholding the spirit of non-proliferation. The Cold War ended and a new world got impetus to stretch its mussels. International relations became quite complex with formations of regional-cum-global alliances. The alliance mechanism particularly on political fronts set aside the vested moral, ethical, and legal commitments of international community, who being the original masters of moral standards for global peace became the very sponsor of global instability or at least custodian of hypocrisy. At this junction this study is in fact referring back to NSG, which earlier on in 1974 classified the Indian action as ‘breach’ and ‘an act of horizontal proliferation’ but in 2008 the same nuclear cartel gave her an exceptional status while extending a ‘wavier’ to its nuclear aspirations (Wastler, 2010). Once a ‘proliferator’ was now an international ‘opportunist’ under the so-called ‘Indo-US strategic partnership’. The dichotomy of international politics does not end here rather it is just a preamble. India is now pushing hard the case to join the NSG as a permanent member, which it applied in 2016 (Rajagopalan, 2018). The other member states of NSG are not only ready but also trying to facilitate and remove every single hurdle that remains as a challenge to get India into the cartel. Though, it is important to mention that there are also few responsible nations that have been striving hard to sustain the original manifesto of NSG.

Contrary to all these exceptional facilitations and legal breaches to accommodate India, another South Asian state, Pakistan has been cunningly left aside and blamed for everything with that of its ‘track record’. A country which has never breached IAEA, NPT or any-other legal domain of peaceful nuclear research and program in the country, has been made victim to geopolitics. It is important to point out that the so-called A.Q. Khan Issue had not violated or breached any international commitment of Pakistan. It was an isolated event in the impressive

nuclear history of Pakistan which has been amicably dealt by the then General Musharraf regime in 2004. Furthermore, if events like this are at the core of international cooperation in nuclear research then not only India but all the other major global powers would fall prey to this dilemma as US, Russia, UK, France, and China altogether clandestinely received the nuclear knowhow from direct or indirect means. Indian scientists have been identified to work in Iranian nuclear reactors, so does Russians. Has ever a Pakistani scientist identified working in any other country?

This is all about ‘sorry situation’ of international relations and the way politics of interest is behaving in the 21st century global order. Therefore, on comparative notes this study has done an effort to present Indian nuclear ambitions with that of its civil cooperation with United States as a factor of instability in the region. It is worth mentioning that unless we are able to comprehend and grasp genesis of Indian nuclear program, its non-proliferation credentials, Indo-US nuclear deal long with surrounding dynamics; thereof, it may not be possible to comprehend implications on Pakistan’s security. Therefore, the next few sections in chronological order would contest Indian credentials and shed light on the mentioned dynamics so that the overall picture of the situation around security implications of Pakistan get a clear exposure.

Genesis of Indian Nuclear Program

Indian aspirations and early on efforts to enter into nuclear research and development have been linked with the establishment of ‘Tata Institute of Fundamental Research’ in 1945 (Ganguly, 1999). In 1948, on occasion of setting up of ‘Atomic Energy Commission’ and a separate Department of Atomic Energy under the control of prime minister office, the then Indian PM, Nehru declared:

“We must develop this atomic energy quite apart from war – indeed I think we must develop it for the purpose of using it for peaceful purposes.....Of course, if we are compelled as a nation to use it for other purposes, possibly no pious sentiments of any of us will stop the nation from using it that way” (Chakma, 2004).

In 1955, Canada supplied research reactor to India for which heavy water was provided by the US under Eisenhower Administration’s famous “Atom for Peace” program (Cirincione, 2006). In the years succeeding this development, India secretly diverted the technology and material from energy related program to weapon production and to the shock of entire world, on 17 May 1974, India announced its entry into the nuclear club by the benign phrase “Smiling Buddha” (Chengappa, 2000). India never stopped there, its nuclear weapons program was kept alive and in May 1998, conduct of five nuclear tests at Pokhran, once again reverberate the world in general and the region in particular. These nuclear tests brought about a fundamental change in the power equation in the sub-continent by introducing a new element in the strategic balance, which till that time, was built around conventional forces.

Indian Nuclear Non-Proliferation Credentials

Nuclear non-proliferation credentials of India have never been impressive. Indian Defence Ministry’s statement that it gave in 1996 and reprinted in 2005 Annual Report (MoD, 2005) is a glaring example of her political maneuvers and highlights the ambiguous stance on the non-proliferation regime:

“India stands for the total elimination of all nuclear weapons and ushering in of a nuclear weapons free world. However, till such time as this is achieved, India will be constrained to keep her nuclear option open.”

India used ‘Atoms for Peace’ agreements in the 1960s to further its nuclear weapons program. One of the most glaring cum daring act of India being proponent of nuclear disarmament was the 1974 nuclear explosion that it conducted in violation of the ‘Atoms for Peace’ program signed in 1950s and continued until the test. Under the agreement, India received reactors from Canada and fuel from the US. The diversion of fuel (plutonium) to conduct the nuclear explosion made India the first ever country in the world that has violated the international agreement with a purpose to make a nuclear bomb. Furthermore, a rich history of issues related to nuclear theft, procurement of dual-use items to be used in military reactors, information leakage on centrifuge technology, and fiercely poor management of export control regime has been the Indian nuclear identity. Indian nuclear credentials are rarely impressive rather glaringly controversial (Mustafa, Jalil, & Azad, 2016).

Indian Nuclear Doctrine

Genesis.

The genesis of Indian nuclear policy is vested on amalgamation of both ‘Gandhian’ and ‘Nehruvian’ politics of ‘Greater India’ (Khan, 2003). Posturing the size and political clout of Indian power, Nehru has crafted the discourse of ‘Greater India’ and believed on the narrative that these credentials would sustain the country in greater body of international politics. The manifestation of Indian power thus rested on the plea of achieving nuclear weapons with that of its rivalry with China and Pakistan. This inevitably inaugurated the fundamentals of power,

prestige, and pride for the South Asian 'Hindu Nation' that wanted to compete for great power status. So that it could play decisive role in the regional-cum-international order to mesmerize its ambitions of 'Greater India'.

Main Features of the Indian Doctrine.

Almost after 24 years of its first nuclear explosion, the country detonated the nuclear device for the second time in May 1998. With pursuing its applicability in the South Asian security environment, on 17 August 1999 India had formally declared its nuclear doctrine under the 'Draft Indian Nuclear Doctrine' (Chari, 2000). Later on in January 2003, the draft was approved by the Indian 'Cabinet Committee on Security' which outlined explicitly important areas related to doctrinal application along with operational readiness (Roy-Chaudhury, 2009). First and foremost element of the doctrine was the enforcement of strategy of 'minimum credible deterrence', which was reinforced by the policy of 'no-first-use (NFU)'. This NFU element of nuclear doctrine emphasized on the Indian policy of retaliation with nuclear weapons in case its territory or the nuclear forces are first attacked through nuclear weapons. The third element or the pillar of nuclear doctrine rested on the idea of 'massive retaliation' that highlighted the credible Indian response against the adversary so that it could not sustain the damage and rampage. The fourth element envisioned the establishment of robust 'command and control' system for Indian nuclear forces.

Indo-US Nuclear Deal

From terrible times to a point of strategic convergence, both India and United States have orchestrated a long list of mutual interests. This came true in the aftermath of 18th July 2005 joint statement when US President and Indian Prime Minister came together and formulated an environment of bilateral commonality (Malik, 2007). This was a new era of their strategic

interaction which mostly is referred as 'strategic partnership'. It was the first sustentative step towards US engagement with India that had started in the aftermath of earlier visit of President Clinton who traveled to India in 2000, first by a US President after 22 years (Hathaway, 2002).

The Bush-Manmohan interaction was of strategic nature which through the 'Joint Statement' reflected bilateral relations on multiple fronts including "defense, economic cooperation, energy, space and agriculture" (Bush, 2005). The glory of their strategic partnership was the famous "Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006" that brought the climax of exceptional relations between the two nations (Kimball, 2007). This not only indulged the two into bilateralism but also enhanced Indian portfolio in the international politics. On bilateralism being a non-NPT member, India was successful in shaping US domestic politics and Congress to ink 'I23 Agreement' but on international politics the country was able to get exceptional 'waiver' from the same 'Nuclear Suppliers Group' which was established in 1974 on famous violation of India (Khan, 2013).

- **Terms of the US-India Nuclear Deal**

Under the civil nuclear arrangement, India had to bring necessary changes into her nuclear portfolio. This include:-

- a) It has to separate both civil and nuclear reactors under a phased plan of action.
- b) An Indian specific IAEA safeguard agreement was to be implemented in 14 of its civilian reactors while allowing the remaining 8 military reactors out of international scrutiny.
- c) The arrangement also called upon Indian authorities to place future civilian reactors under the same safeguard agreement.

- d) The country has to adhere to missile and nuclear related research with that of “Missile Technology Control Regime (MTCR) and NSG guidelines”.
- e) The deal not only allowed the US to cooperate with India on nuclear technology but also created room for the rest of nuclear trading states particularly the remaining P-4 nuclear states.

- **Vested Indian Objectives**

It is important to highlight Indian aspirations and objectives behind the civil cooperation with US. Some of the prime objectives are mentioned below:

- a) It provided a timely instrument to Indian foreign policy while allowing New Delhi to establish deep strategic engagement with Washington. It brought a paradigm shift on both sides.
- b) The deal overshadowed the clouds of isolation for India in the non-proliferation regime, which earlier on was living in absentia under a ‘denounced proliferator’. Due to the civil deal with US, it was now glamorously negotiating with the regime.
- c) It received *de facto* status of nuclear state without signing the NPT. Being a non-NPT member receiving such a big package was not other than miracle or the miracle itself is the other name of ‘violation’ of international norms.
- d) Through the deal, the domestic shortage of fuel was amicably resolved without any repercussion on national security.
- e) No more ‘technology denial’ and ‘nuclear isolation’ was for India. Depending on its financial resources, the county could now buy the whole nuclear world.

- **Strategic Objectives of US**

Among many few of the important objectives of US behind its close partnership with India are mentioned below:

- a) Containing Chinese increasing influence and balancing Beijing within Asia.
- b) To introduce paradigm shift in its foreign policy while transforming ties with India.
- c) Bring India into non-proliferation regime and its integration into NSG and IAEA.
- d) Getting considerable leverage over Indian commitment to suspend 'production of fissile material for nuclear explosive purposes'.
- e) Enhancing 'Proliferation Security Initiative (PSI)' outreach to India and its complete participation in the arrangement.
- f) Bring India on international agenda of isolating Iran.
- g) Allow US nuclear industry to exploit Indian market through the civil nuclear arrangement and secure the biggest share of reactor buildup.

Impact of the Deal on Indian Nuclear Weapons Program

As mentioned above that the Indian weapons program was facing acute shortage of fuel before the civil cooperation with US. According to estimates, Indian stock of fuel was about to get exhaust until 2007 and thereafter the so-called nuclear program could have zero possibility to sustain. On the other hand few of the Indian un-safeguarded reactors were also not able to acquire fuel from the international market due to tough restrictions of NSG. The domestic consumption of Indian reactors was almost needed 400 tons of fuel (uranium) per annum, if they operate at 75% of their capacity. Parallel to that the plutonium based weapon reactors, 'CIRUS' and 'Dhruva' were also in need of about 30 to 35 tons of uranium per annum. Contrary to requirements, India was only able to produce about 300 tons of uranium a year, which was far less than the stipulated needs (Khan, 2013).

The deal in fact fixed all these vulnerabilities in one go. It not only relaxed Indian civil need by offering special packages and reactors with full swing but also allowed the country to access international market to meet fuel shortage. Thereafter, the restrictions were no more and international uranium market was running to feed Indian reactors. Now the 300 tons of domestic uranium production was freely available for the Indian weapons program that has drastically increased the nuclear arsenals with that of military usage. The rest civil needs were assured as 'money makes the matters so conveniently easy'. Certainly, power is in wealth, not in norms!

Implications for Pakistan's Security in Context of Indo-US Nuclear Deal

On the one side the deal was orchestrating new avenues of strategic relations between US and India, on the other side the region recorded fresh pulse in favor of New Delhi's international endorsement with an increased power and prestige. More specifically, some of the implications which Pakistan recorded out of this new security construct are mentioned below:

- a) United States while reordering its priorities in South Asia gave a clear signal to regional states that India is now the forefront runner of Washington's strategic interest. This allowed India to shape US outlook in South Asia and inevitably allowed New Delhi to squeeze and put pressure over smaller states. For Pakistan, this in fact has been one of the fundamental points of resistance to Indian role in the region. So, this reliance and as a result Indian influence in the region was a matter of immense worry for Pakistan. In the aftermath guarding Pakistan's regional interest with that of internal stability against the hegemonic ambitions of India got priority in the security spectrum of the country.

- b) Deal enables the Indian nuclear program with qualitative and quantitative improvements. Opening space for Indian weapons program while closing all the possibilities for Pakistan accentuated the imbalance in the region. This was considerably going to impact on deterrence stability.
- c) Furthermore, through another bilateral arrangement under ‘Indo-US defense pact’ extension of US cooperation on ‘ballistic missile defense (BMD)’ such as provision of “Terminal High Altitude Area Defense (THAAD)” have altogether pushed Pakistani brinkmanship to reconsider its ‘credible minimum nuclear deterrence’.
- d) Under the J. Hyde Bill, Indian participation and membership in the ‘Proliferation Security Initiative (PSI)’ was seen as an allowance to New Delhi to interdict trading ships of Pakistan.
- e) The wording of 2005 joint statement such as labeling India as “responsible nuclear state” almost recognized the country as a nuclear weapon state. This endorsed a long prevailing notion of ‘Greater India’ that Jawaharlal Nehru framed in 1950’s with a plea that nuclear weapons are the great source of international power, prestige and pride.

Conclusion

The agreement on civil nuclear cooperation once again allowed India to gain access to US fuel with extension to technology, which earlier it has received from Canada. During 60s it had to violate the agreement but this time the pact had conveniently allowed maintaining separation in its civil and nuclear programs, separately. Not only growing economic needs were addressed but also the burden it had on her nuclear program was eased out of special arrangements. What a coincidence of international politics, once a 'denounced proliferator' got special provisions to become 'legitimate opportunist'. Not only India was now given *de facto* posture but also provided a certificate of 'responsible nuclear state' while closing eyes on all its history of malfunctioning, theft, breach, and violations. In fact, it was a license for India to disrupt nuclear parity with Pakistan and enhance missile material stockpile with that of accelerating the buildup of nuclear arsenals.

The non-proliferation regime became prey to such an evolving Indo-US strategic nexus, so does the strategic stability of South Asia. The wide ranging implications are even today shattering its impact on regional security as Indian aspirations of 'Cold Start Doctrine (CSD)' and 'Proactive Military Operations (POAs)' are adamant to its war mongering confidence which it gained through naïve and short-sighted global politics. The same has given impetus to its aspirations to join the export control regime's prime institutions particularly the NSG. It has already joined the MTCR in June 2016, Wassanar Arrangement in December 2017, and Australia Group in January 2018 (Rajagopalan, 2018).

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