EVALUATING INDIA'S POSSESSION OF NUCLEAR WEAPONS: A STUDY OF INDIA'S LEGITIMATION STRATEGIES AND THE INTERNATIONAL RESPONSES BETWEEN 1998-2008

Thesis Submitted in Partial Fulfillment of the Requirements for the

Degree of Doctor of Philosophy

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Dedication

I dedicate this thesis to my *pitras,* my Late Grandmother *Dibya Laxmi*, beloved Late Father *Sindhu* and my beautiful Late Mother *Anant,* who forever reside in my heart. I will always remain indebted to you for your unconditional love and sacrifices.

Acknowledgements

I am indebted to the Department of Politics and International Relations at Oxford University for cultivating my understanding in the field of international relations. The work presented in this manuscript would not have been possible, without the tutelage, intellectual input and thought-provoking queries of my supervisor Professor Andrew Hurrell. I sincerely thank my supervisor for his encouragement and guidance at every critical stage along side giving me the space and intellectual freedom to develop my research project. This apart, his empathetic approach enabled me to overcome any personal and professional obstacles in the course of my DPhil journey. I extend my deepest gratitude to all my interviewees whose consent and utmost patience made this thesis possible. I thank Dr. Rodney Bruce Hall for his mentorship since my early years at Oxford. I would also like to extend my deepest gratitude to Dr. Randy Rydell, Senior Political Affairs Office at the United Nations Office for Disarmament Affairs, NY for his encouragement and mentorship. Last but not the least, I am appreciative of Dr. Raj Vijh, my husband, for the unconditional strength and support. I sincerely thank each one of you for your invaluable support in this academic endeavor.

Research Abstract

The scope of the thesis is to study India's nuclear behavior and the international responses in the period after India's nuclear weapons tests in 1998 leading up to the waiver for India by the nuclear suppliers group in 2008. The thesis explores this process of nuclear reconciliation in the context of a quest for international nuclear legitimacy. Nuclear legitimation is understood as a two-sided process and the explanation assumes two sides to the story: the Indian side and the audience side. Grounding the conceptualization within a theoretical framework of constructivism, the thesis explores the legitimation strategies employed by the Indian government to assuage international apprehensions about its possession of nuclear weapons. Additionally, the thesis analyzes how and why selected states in the international audience received and responded to India's strategies.

In doing so, the thesis acknowledges but goes beyond an apparent power and interest explanation underlined by geo-political/security considerations and economic/trade interests –to include an analysis of shared norms and beliefs that constituted a basis for legitimacy judgments, circumscribed the interaction between India and other states, induced certain responses on the audience side and made possible certain claims on the Indian side. The principal argument is that normative evaluations and ideational factors served as important resources on both sides and also played an important role in determining the timing as well as the nature of nuclear reconciliation with India. By allowing a strategic employment of different arguments that appealed to the different states in the targeted audience, a legitimation process reduced the political, economic and diplomatic costs for the Indian government. Similarly, it enabled other states in the audience to support (as the P3: France, Russia and United Kingdom did), not come in the way (as the game-changers: Australia, Canada, Germany and Japan did) or not block India-specific waiver (as the white knights: Ireland, Austria, Norway, New Zealand, Sweden and Switzerland did)— and to justify their responses, cost-effectively.

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List of Abbreviations

BJP	Bharatiya Janata Party
COD	Conference on Disarmament
CTBT	Comprehensive Test Ban Treaty
EU	European Union
ENR	Enrichment and Reprocessing
FMCT	Fissile Material Cut-Off Treaty
IAEA	International Atomic Energy Agency
MOEA	Ministry of External Affairs
NAM	Non-Aligned Movement
NFU	Non- First Use
NNPA	Nuclear Non-Proliferation Act (1978)
NNWS	Non-Nuclear Weapon State
NWS	Nuclear Weapon State
NPT	Nuclear Nonproliferation Treaty
NNPR	Nuclear Non-Proliferation Regime
NPTREC	NPT Review and Extension Conference
NSG	Nuclear Suppliers Group
NSS	Nuclear Security Summit
PM	Prime Minister
PNE	Peaceful Nuclear Explosion
PTBT	Partial Test Ban Treaty
RGAP	Rajiv Gandhi's Action Plan
SNW	State With Nuclear Weapons
UN	United Nations
UNODA	United Nations Office For Disarmament Affairs
US	United States of America
UK	United Kingdom
UPA	United Progressive Alliance

CHAPTER ONE

Introduction

Over the years, several studies have discussed the notion of 'Nuclear Restraint'[1] or why states forego nuclear weapons and the 'Search of a Bomb'[2] or why states acquire nuclear weapons in the context of a security model, domestic politics, as symbols of status and prestige as well as the role of international norms. In this context, why India acquired nuclear weapons has received attention in the existing literature.[3] However, less attention has been given to understanding India's desire to be seen in a particular way after its nuclear tests in 1998. To put it succinctly, despite having tasted the 'forbidden fruit,'[4] India 'did not want to be seen as a gate-crasher or a transgressor.'[5] Perhaps, 'more interesting than the "why?" of India's tests,' Sullivan aptly suggests 'is the question of how India managed to make its new position mesh with its longstanding claims to nuclear responsibility and restraint.'[6] On the other hand, it is equally noteworthy, how initial reactions of other states 'by way of political isolation and economic sanctions was soon supplemented by strategic engagement'[7] and 'ways of accepting New Delhi's nuclear weaponry within the constraining framework of the existing international nonproliferation order.'[8] In other words, how states—that 'deplored'[9] India's tests as 'counter to the efforts of the international community'[10] and to 'accepted international norms of behavior'[11] shifted to a 'remarkable level of support for accepting and tacitly recognizing'[12] India's possession of nuclear weapons—is also a puzzle that merits further investigation.

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[1] Rublee, Maria, *Nonproliferation Norms: Why States Choose Nuclear Restraint*, University of Georgia Press, 2009.
[2] Sagan, Scott. D. 'Why do states Build Nuclear Weapons? Three Models in Search of a Bomb,' *International Security,* vol.21, no.3, 1996-97, p.54-86.
[3] Bidwai, Praful and Achin Vanaik, *Testing Times. The Global Stake in a Nuclear Test Ban*, (Dag Hammerskjöld Foundation: Uppsala, 1996; Abraham, Itty, *The Making of the Indian Nuclear Bomb*. Hyderabad: Orient Longman, 1998; Ganguly, Sumit, 'India's pathway to Pokhran II: The Prospects and Sources of New Delhi's Nuclear weapons Program,' *International Security*, vol.23, 1999, p.148-177; Perkovich, George, *India's Nuclear Bomb: The Impact on Global Proliferation,* Berkeley, CA: University of California Press, 2001,Karnad, Bharat, *Nuclear Weapons and Indian Security: The Realist Foundations of Strategy* (New Delhi: Macmillan India Limited, 2002.
[4] Roy, Shankar, 'The Nuclear Dimension of India's Security,' in Gautam Sen (ed) *Conceptualizing security for India in the 21st century*, National Centre of International Security and Defence Analysis, Delhi, Atlantic Publishers, 2007, p.208.
[5] Author's interview with Ambassador Lalit Mansingh, Former Indian Ambassador to United States (2001-2004) and Former Indian Foreign Secretary (1999-2000), New Delhi, 18th September 2012.
[6] Sullivan, Kate, H., 'How the World warmed to a Nuclear India', *Inside Story*, 3rd May (2012a).
[7] Nayar, Baldev, Raj, and T. V. Paul*, India in the World Order: Searching for major- power status'* Cambridge University Press, 2003, p.33.
[8] Tellis, Ashley, 'India as a new global power, An Action Agenda for the United States', Paper for *Carnegie Endowment For International Peace*, 2005,p.7.
[9] Statement by Canadian Deputy Prime Minister Herb Gray, *Toronto Star*, 13 May 1998.
[10] Statement by U.S President Bill Clinton, *USIA Washington File*, 11 May 1998.
[11] Statement by Australian Foreign Minister Alexander Downer, *The Australian*, 14 May 1998.
[12] Sasikumar, Karthika, 'India's Emergence as a "Responsible" Nuclear Power,' *International Journal*, vol.62, no.4, 2007,p. 844.

The Story

India conducted its first nuclear explosion in 1974, which the Indian government claimed to be a PNE— an abbreviation for a 'peaceful nuclear explosion' thereby making India one of the first to test a nuclear device after the formation of the Non-Proliferation Treaty (NPT). The NPT was a treaty opened for signature in 1967 that multilaterally formalized the 'identification of a nuclear explosion as the prerequisite' for being recognized a 'nuclear weapon state.'[13] It also simultaneously underlined a distinction between nuclear weapon states (NWS) whose membership was frozen at five: the United States, former Soviet Union (Russia), the United Kingdom, France and China on one hand that had successfully conducted a nuclear test on or before 1967. And, the non-nuclear weapons states (NNWS), basically all the remaining states that had either not tested before or by 1967 and signed the NPT thus renouncing their right to possess and develop nuclear weapons in exchange for securing an 'inalienable right' to enjoy 'the benefits of peaceful applications of nuclear technology' and the 'use of nuclear energy for peaceful purposes without discrimination.'[14]

The five recognized nuclear weapon states within the NPT conducted a nuclear test on or before 1st January 1967 and India of 1974, evidently, missed this benchmark. Moreover, even though India claimed the 1974 tests to be a PNE and not a "weapons test," India's actions were internationally condemned followed by sanctions. It barred India's access to legitimate international nuclear market and commerce for the next thirty years. India's tests of 1974 were particularly problematic because it was allegedly carried out using plutonium from the CIRUS (Canada-India Research U.S) reactor supplied by Canada and the heavy water for this reactor came from the United States. India was thus guilty of diverting nuclear material transferred for other peaceful purposes towards a nuclear test. Even though India assigned a rather benign codename to the 1974 tests as the Smiling Buddha[15] 'to signify her peaceful intentions.'[16] However, the world did not see it that way and with the norm of non-proliferation formally established with the NPT 'the burden of proof that going nuclear was the right thing to do became even stronger.'[17]

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[13] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power', p.826.
[14] Full Text of NPT available at http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml
[15] The PNE was conducted on 18th May 1974 celebrated as "Buddha Jayanti" marking the birth anniversary of Gautam Buddha, founder of Buddhism and messenger of peace.
[16] Chary, Manish Telikicherla, *India:Nation on the move: An Overview of India's people, culture, history, economy, IT industry, and more*. IUniverse.com, p. 252.
[17] Müller, Harald, 'Between Power and Justice: Current Problems and Perspectives of the NPT Regime', *Strategic Analysis*, vol.34, no.2, March 2010:190

This was not the end but the beginning of India's story as a nuclear possessor. The Indian dilemma of whether to sign the NPT and be recognized as a nuclear 'have-not' or develop and test its nuclear capacity at the cost of being labeled an outlier was settled in 1998 when India conducted its second set of nuclear tests on May 11 and 13, 1998. This time the Indian government codenamed it "*Shakti* " meaning power and claimed it to be India's official nuclear weapons tests. As one of the three non-Non-Proliferation Treaty (NPT) nuclear states[18] India's nuclear behavior since 1998 has remained a subject-matter in international relations and a perplexing issue for the nuclear non-proliferation regime that basically comprises of the NPT and the two main international institutions namely, the Nuclear Suppliers Group (NSG) and the International Atomic Energy agency (IAEA). The IAEA is also called the nuclear watchdog that performs the role of the 'nuclear inspectorate' with its safeguards and inspection mechanism 'to provide credible assurances that States are honoring their international obligations to use nuclear material only for peaceful purposes.'[19]

All states that are party to the NPT are members of the IAEA but all states that are members of the IAEA are not necessarily party to the NPT, India and Pakistan are two such examples. The NSG on the other hand is a cartel of nuclear suppliers that was created directly in response to India's 'explosion in 1974 of a nuclear device by a non-nuclear-weapon State, which demonstrated that nuclear technology transferred for peaceful purposes could be misused.'[20] For obvious reasons, India was ousted particularly, from an access to the import/export regime as envisaged in the NSG, leading to a three decade long Indian experience of non-engagement with such technology-denial regimes. With the nuclear isolation that continued since 1974 and termed by the Indian government as 'nuclear apartheid,'[21] it would not be wrong to say that India's nuclear tests of 1998 were perhaps criticized and condemned more for putting India 'on the wrong side of history' and 'at odds with the international community.'[22] Thus, India's second set of tests as expected (even by India) was followed by international sanctions and condemnation from all quarters.

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[18] India, Pakistan and Israel have not signed the NPT. North Korea signed the NPT in 1985 and withdrew in 2003.

[19] For more details on the role and work of the IAEA see https://www.iaea.org/safeguards/

[20] For more on history of the NSG see http://www.nuclearsuppliersgroup.org/en/history1

[21] Singh, Jaswant. 'Nuclear Apartheid', *Foreign Affairs*, vol.77, no.5,1998, p:41-52

[22] Radio address by US President Bill Clinton delivered on 17 May 1998. Full text of the statement available at http://www.presidency.ucsb.edu/ws/?pid=55975

India's tests of 1998 were condemned in the strongest words for undermining 'efforts of the international community to prevent nuclear proliferation'[23] and termed as a 'flagrant disregard of the concerns already expressed by the international community.'[24] World leaders proclaimed that 'India has let us down with its explosions'[25] calling upon India to 'reverse its nuclear policy and adhere to the Treaty on Non-proliferation of Nuclear Weapons (NPT) and the Comprehensive Test Ban Treaty.'[26] India's tests were termed as 'a deeply regrettable development'[27] and 'beyond the pale of international behavior.'[28] Several states recalled their ambassadors to India and even cancelled aid agreements thus adopting ways 'to isolate and punish India'[29] to the extent that it was seen as leaving little space for political maneuvering or even 'a compromise.'[30] Viewing the Indian tests as 'a setback for the efforts of international nonproliferation'[31] key states that were also NSG members 'made it clear that this was the wrong decision for' India and 'we do not accept that decision'[32] explaining that 'a portion of new development aid for India was put on hold.'[33] Terming India's tests a slap 'in the face of the overwhelming majority of the international community,'[34] several states engaged in a 'negative economic diplomacy.'[35] Whereas some states like Japan even 'used its position in the World Bank and the Asian Development Bank to block multilateral loans to India'[36] making it conditional to India acceding to the Nuclear Non-proliferation Treaty (NPT) and Comprehensive Test Ban Treaty (CTBT).

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[23] Statement by UK Foreign Secretary, Mr. Robin Cook, House of Commons, London, 14th May 1998, Foreign & Commonwealth Office. Available at: http://www.fco.gov.uk

[24] Statement by the UK Foreign Office in The *Financial Times*, 13 May 1998.

[25] Russian President quoted in 'Yeltsin regrets Indian nuclear test,' *United Press International,* 12 May, 1998.

[26] Parrish Scott, 'Russia Reaction to the Indian Nuclear Tests', Centre for Non Proliferation Studies, 13 May 1998. Available at: http://cns.miis.edu/archive/country_india/russia.htm

[27] Statement by the French Representative Francois Rivasseau in the Press Release DCF/332 15 May 1998 released at the Conference on Disarmament, Geneva. Available at https://www.fas.org/news/india/1998/05/19980515_dcf332.html

[28] Statement by Foreign Minister Alexander Downer, *the Australian*, 14 May 1998. Available at http://cns.miis.edu/archive/country_india/reaction.htm#australia

[29] Rubinoff, Arthur,'Canada's re-engagement with India,' *Asian Survey,* 42, 6 (Nov-Dec 2002) 849.

[30] Touhey, Ryan, 'Canada and India at 60: Moving Beyond History?' *International Journal*, 2007, pp.744.

[31] Statement by Germany's Foreign Minister Klaus Kinkel, Office of the Press Secretary, 13 May,1998.

[32] Statement by Germany's Chancellor Helmut Kohl, Office of the Press Secretary, 13 May 1998.

[33] Statement by Germany's Minister for economic cooperation Carl-Dieter Spranger, 13 May, 1998

[34] Statement by Australian Representative in the Press Release DCF/332 15 May 1998 at Conference on Disarmament, Geneva. Available at https://www.fas.org/news/india/1998/05/19980515_dcf332.html

[35] Limaye, Satu P. 'Tokyo's Dynamic Diplomacy: Japan and the Subcontinent's Nuclear Tests,' *Contemporary Southeast Asia*, Volume 22, No.2, August 2000, p. 326.

[36] Brewster, David, 'India-Japan Security Relationship: An Enduring Security Relationship,' *Asian Security*, 6, (2), 2010, p. 70.

However, three decades of India's nuclear isolation since its 'peaceful test' in 1974 leading upto the nuclear tests in 1998, partially ended in 2005 with the US-India Civil Nuclear Deal. Former US President George Bush and former Indian Prime Minister Manmohan Singh signed a 123 agreement, jointly stating that 'as a responsible state with advanced nuclear technology, India should acquire the same benefits and advantages as other such states.'[37] This nuclear deal preceded the NSG-waiver in 2008, which was an India-specific exemption granted on consensus by the participating governments.[38] It was essentially a "waiver" from the 'full-scope safeguards' rule of the NSG that was adopted in 1992 and stemmed from the Nuclear Non-Proliferation Act of 1978 passed in the United States that 'banned civilian nuclear trade with countries that has not signed the NPT' and had 'placed all their nuclear facilities under safeguards.'[39] The 2008 NSG-waiver allowed India to engage in international nuclear commerce while it continued to remain outside the NPT without adopting safeguards on all nuclear facilities, instead accepting a voluntary India-specific IAEA safeguards agreement, that will be discussed more in the subsequent chapters. The point being, that this development seemed to mark the beginning of a 'validated nuclear identity' for India and the U.S rapprochement was one such attempt to put India 'on the right side of the nonproliferation regime.'[40]

However, the NSG waiver for India was not achieved overnight nor was it the U.S. alone that India had to convince and deal with as much as India did not come to be perceived as a responsible state in the nuclear realm, automatically. The process of nuclear reconciliation and of creating a space for a differential treatment for India—was a complex process of negotiation initiated soon after the nuclear tests in 1998. It was a process that involved a 'give and take' between India and several other key states in the international audience before a consensus was arrived at for exempting India from the NSG's perceived rules such as full-scope safeguards and NPT membership. Rules that were considered as the basic benchmarks for civilian nuclear trade adopted by the NSG members and that had to be worked with before any decision was made on accommodating India within any aspects of the nuclear non-proliferation regime.

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[37] Joint statement by US President George Bush and Indian PM Manmohan Singh on18th July 2005. Full text at: http://georgewbushwhitehouse.archives.gov/news/releases/2005/07/200507186.html

[38] The member-states in the NSG are generally referred to as the participating governments or participants.

[39] Mistry, Dinshaw, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, Cambridge University press, 2014, p.4.

[40] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power', p.826.

This brings us to 'a waiver for India at the eleventh hour in Vienna' in 2008, described by India's National Security Adviser (NSA) in this crucial period, almost as a 'divine intervention.'[41] Explaining the difficult process and the tough negotiations that preceded India's waiver at the NSG in 2008, he elaborated in his interview 'one thing we needed was god on our side.'[42] The response of India's National Security Adviser gives a mere glimpse into the complex and dramatic process and the subsequent outcome at the NSG. And the extent of efforts and the kind of strategies that the Indian government possibly employed and was required to put in place for different reasons that appealed to different states. To set the international stage for a process of reconciliation, the Indian government went about appeasing the different states in the international audience of India's case. The thesis tells this story of India's reconciliation after 1998 and culmination into a NSG waiver for India in 2008. There is no doubt that the Indo-US agreement brought India a step closer to nuclear reconciliation. However, it was only the beginning of this process as other NSG participants and key players were clearly divided on this issue.

The herculean task was two-fold, one to bring India in alignment with the rules and two, convince the NSG members who were now divided into three groups. The first group was of the avid supporters, who 'strongly supported the exemption, consisted of France, Russia, and the United Kingdom.' The second was the reluctant supporters who 'came out in favor of the exemption but were not enthusiastic, included Germany, Japan, Canada, and Australia.' And the third group was of the opposing states, who called themselves the 'like- minded' countries and included 'Austria, New Zealand, the Netherlands, Norway, Ireland, Sweden, and Switzerland,'[43] and demanded tighter commitments and stronger non-proliferation conditions for India before it received a NSG waiver. The NSG as a rule-making body is an informal arrangement, nonetheless one that works on consensus. It was imperative for India and even the U.S as an endorser of India's case that they brought these other key players on board before a formal consensus was actually pursued.

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[41] Quoted in Cherian, John, 'The Morning After,' *Frontline,* Vol 25 (20) Sep. 27-Oct.10, 2008

[42] Author's interview with former Governor of West Bengal (2010-2014) and India's former National Security Advisor (2005-2010) Mr. M. K. Narayanan at Calcutta on 6th September 2013.

[43] Bano, Saira, 'India and Nuclear Suppliers Group (NSG) membership,' *Global Change, Peace and Security*, 2015, p.5-6.

One may describe the period preceding September 6th, 2008, the day of union between India and the NSG— as the period of courtship in this nuclear engagement. And perhaps, as some may argue the outcome was anticipated. However, a process wherein the Indian government engaged in confidence building measures and appeasement strategies to explain its position and justify why India deserved a differential treatment in the first place preceded the waiver. It involved attempts and efforts to set the stage for a possible interaction that would make the ground more fertile to sow the seeds for considering a reconciliation proposal with a non-NPT India. Although a first draft proposal for the NSG waiver for India was tabled by the United States in early 2006 and subtly circulated as a "food for thought paper" in due course, the process alone went through several rounds of negotiations where between 2006 and 2008, the NSG met at least eight times to discuss nuclear cooperation with India[44] and the IAEA and India held at least five rounds of talks in this period, exchanging several drafts of the safeguards agreement.[45]

The reluctant supporters referred to as the game-changers and the like-minded states referred to as the "white knights" did not accept the weak language and the even weaker non-proliferation commitments and conveyed their expectations, that of India acceding to the NPT and CTBT and accepting full-scope safeguards 'something that the Indian government had always resisted.'[46] India's commitments were mainly voluntary political assurances such as that of continuing 'its unilateral moratorium on nuclear testing'[47] and other non-proliferation commitments such as voluntary safeguards only on its *civilian* nuclear facilities that were already indicated in India's nuclear agreement with the United States. However, the opposition's 'suggestions mostly revolved around fears that the NSG would not be able to do anything if it [India] reneged on its commitment' and so they sought to find ways to bind India thus emphasizing 'a legally binding testing moratorium,' an 'automatic termination of the waiver in case of an Indian test,'[48] a review mechanism to assess India's compliance and 'proposed amendments on each paragraph of the draft'[49] to tie India's waiver with the shared expectations about India's non-proliferation assurances and commitments.

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[44] Mistry, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics,*p.183.
[45] Ibid., p.177.
[46] Bano, 'India and Nuclear Suppliers Group (NSG) membership,' p.5.
[47] Ibid., p.7.
[48] Ibid.
[49] Ibid., p.6.

The Argument

After 1998, the Indian government made certain claims to assert its right to possess nuclear weapons and employed different strategies to justify the same. This included arguments of national security and India's sovereign right to defend itself against any potential threats from its nuclear neighbors, mainly Pakistan and China. In this way, a 'legitimate right of self-defense enshrined in the UN charter came to constitute an important justification on the Indian side'[50] and that supplemented India's claims of a No-First Use policy and minimum deterrence. Indian officials also relied on India's democratic form of government to claim civilian control of its program and transparency of its nuclear policy. Further, the 'rhetoric of industrial development' and India's market potential was also strategically used by the Indian government 'to garner support for the nuclear program in India'[51] where the arguments were centered on 'India's growing energy demand.'[52] Although, arguments of national and energy security would appear to suffice efforts to alleviate international apprehensions, yet the Indian government increasingly employed normative arguments.

In other words, the Indian government did not rely only on realist and rationalist arguments and the strategy included claims to substantive compliance with international norms and key NPT principles. The Indian government claimed that India had played by the rules valued by member-states in the nuclear regime and India's policy of 'tightening export controls'[53] and an impeccable non-proliferation record of non-transfer of nuclear technology to NNWS was 'consistent with the key provisions of the NPT in particular Articles I (no weapons transfers or weapons-related assistance); Article III (safeguards on exports); and Article VI (negotiations on nuclear disarmament).[54] To claim India's weapons were in the right hands, an argument of responsible behavior was employed drawing on a consistent comparison with Pakistan.

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[50] Author's interview with Ambassador Lalit Mansingh, Former Indian Ambassador to United States (2001-2004) and Former Indian Foreign Secretary (1999-2000), New Delhi, 18th September 2012.

[51] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power', p.832.

[52] In a Statement to Parliament on February 27, 2006 Prime Minister Manmohan Singh explained that India's nuclear energy cooperation 'was based on our need to overcome the growing energy deficit that confronts us. As India strives to raise its annual GDP growth rate from the present 7-8% to over 10%, the energy deficit will only worsen.' Available at: http://www.thehindu.com/todays-paper/tp-opinion/quotwe-cannot-accept-safeguards-on-our-indigenous-fast-breeder-programmequot/article3184571.ece

[53] Statement by Prime Minister Atal Bihari Vajpayee quoted in Rajamohan.C 'PM Rejects Demand to Limit Nuclear Capabilities' *Hindu*, 16, December, 1998.

[54] Statement by Jaswant Singh to the Indian Parliament on the NPT Review Conference on May 9, 2000, Full text available at http://www.acronym.org.uk/dd/dd46/46india.htm.

Further, claims of nuclear restraint with reference to the *Kargil* War of 1999 between India and Pakistan were made to 'drive home the point that a nuclear India can and does act in a responsible manner'[55] and 'to assert if nothing more, but at least India's resolve and commitment towards being seen as a responsible nuclear weapons state.'[56] The Indian government also made attempts to legitimize its possession of nuclear weapons in 'scientific terms'[57] as it claimed credibility of India's nuclear establishment, capability 'of an indigenous program,'[58] competency of nuclear scientists in 'western nuclear modernity' and of exercising restraint and control.[59] The Indian government claimed procedural legitimacy and 'correctness of the procedure'[60] with its engagement through multilateral institutions, arguing that the right procedures were followed to put forth India's case before the international audience in as much as the Indian government claimed that a separation of India's military and civilian nuclear facilities that enabled the reconciliation 'amounted to a de-facto recognition of India's possession of nuclear weapons.'[61] Overall, the strategy was to 'ensure the decision on India was an institutional consensus, to benefit from the regime, to be seen in line with the NPT and to be seen as working with the regime's rules and procedures.'[62]

However, claims to assert a right is only one side of the story and how India's claims were received and responded to, is equally pertinent to understand the nuclear reconciliation process. The initial responses to India's tests were undoubtedly marked with condemnation and sanctions yet, in the period that followed India's 1998 tests, several states shifted their response towards India (for different reasons) ultimately culminating into a consensus for India-specific exceptions at the NSG in 2008 as a non-NPT state. Again, at first blush it would appear that perhaps the responses on the

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[55] Statement by Brajesh Mishra, India's First National Security Advisor June26,1999. Quoted in Dileep Padgaonkar, 'Policy of restraint to keep Pak under global pressure,' The Times of India.

[56] Author's interview with Lt. Gen. (Retd) V. R. Raghavan President, Centre for Security Analysis, Chennai. Member of India's National Security Advisory Board, Member of the Task Force set up by the Government of India to Review National Security at New Delhi, 27th July 2012.

[57] Abraham, Itty, *The Making of the Indian Nuclear Bomb*. Hyderabad: Orient Longman, 1998, p.49.

[58] Author's interview with K.Santhanam, India's Senior Nuclear Scientist and Project leader of India's 1998 nuclear tests, New Delhi, 5th November, 2012.

[59] Gormon, O' Ned and Kevin Hamilton, 'At the Interface: The Loaded Rhetorical Gestures of Nuclear Legitimacy and Illegitimacy,' *Communication and Critical/Cultural Studies*, ,vol.8, no.1, March, 2011, p.41-66.

[60] Hurd, Ian, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, Princeton: Princeton University Press, 2007, p.71.

[61] Author's interview with Ambassador Shyam Saran, Former foreign Secretary of India (2004-2006), Prime Minister's Special Envoy for Indo-US civil nuclear issues and currently member of the National Security Advisory Board, New Delhi, 10th August, 2012.

[62] Author's Interview with Dr. Bala Venkatesh Verma, Joint Secretary, Disarmament and International Security Division, Ministry of External Affair and member of India's negotiation team at the NSG on 17th August, 2012 at New Delhi. He is currently Ambassador and Permanent Representative of India to the UN Conference on Disarmament, Geneva.

audience side could wholly be explained by a power and interest account. And the thesis also acknowledges these factors. For example, India's economic growth and reforms in the 1990's are discussed as reasons that served the material interests of states interested in trade and commerce thus prompting their support for India's NSG waiver. Then the 'end of the Cold War prompted a rethinking of strategic possibilities,' and also 'led to some extraordinary ideas about nuclear cooperation.'[63] It 'affected political calculations and India's own economic rise was also an incentive for some states who were more receptive to India's claims.[64] India's economic transformation and the end of Cold War created a perception of a "new India in a new world" and enabled political and economic pragmatism towards India. It also mattered for the timing, because by '1998 there was a widely shared belief that India had economic ability to bear the economic consequences of the international sanctions that were to follow its nuclear tests.'[65]

Another prevalent explanation for India's nuclear reconciliation is the role of Indo-U.S. rapprochement in normalizing relations 'where India's possession of nuclear weaponry had previously made meaningful cooperation all but impossible.'[66] Although, an explanation for Indo-US nuclear engagement in the dominant scholarship tends to focus on India's role as a strategic partner to counter-balance China.[67] However, the United States also employed normative arguments to convince different states in NSG that valued their normative stake in NPT-centric nuclear regime. Viewing India's nuclear reconciliation primarily through a prism of Indo-US bilateral relations overlooks other states that were perceived as key players and strategically targeted by the Indian government within the NSG's multilateral setting. The arguments employed by the U.S are contextualized in the thesis to explain the manner in which it made it possible for other states to shift from an initial denunciation towards normalizing relations with India. The broad U.S arguments to garner support and initiate a process of differential treatment for India are described as three fold.

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[63] Mian and Ramana, 'Wrong Ends, Means and Needs: Behind the U.S. Nuclear Deal with India,' *Arms Control Today*, Jan-Feb, 2006, pp: 12.

[64] Author's interview with Chancellor (Political and Economic Affairs) Mr. Sven Jurshwesky at the Canadian High Commission, New Delhi, India 3rd August' 2012.

[65] Author's Interview with Mr. Gopalapuram Parthasarathy on 27th Sep. 2012 at New Delhi. Deputy Secretary (1976-78) Ministry of external affairs; Counselor (Political and Press) Embassy of India, Washington D.C; information advisor and spokesman for PM Rajiv Gandhi (1985-90).

[66] Tellis, 'India as a new global power, AN ACTION AGENDA FOR THE UNITED STATES', p.7

[67] Karnad, 2002;Frankel and Harding, 2004; Bhonsle, Prakash and Gupta; 2007; Karnad, 2008; Li Mingijang, 2009; Pande, 2011; Sharma, Goria and Mishra, 2011; Mitra, 2011; Tellis, 2011; Brewster, 2012; Chellaney, 2012; Pant and Joshi, 2015

The first being an argument that engaging with India would 'enhance India's inclusion into the global non-proliferation network'[68] enabling a consideration of whether 'the advantages of having greater control over India's nuclear industry outweighed the disadvantage of weakening the NPT?'[69] A second argument to garner support was developed around energy needs that 'a nuclear exception for India had supplementary benefits' that of helping a developing country meet its future energy demands and 'diversify India's energy profile and reduce its carbon emissions.'[70] A third differentiating tool was 'a sophisticated discourse that emphasized' India's 'role as a responsible nuclear power that has never contributed to nuclear proliferation in other states; the largest democracy in the developing world; and an emerging power to be reckoned with.'[71]

However, to wholly understand how states in the targeted audience were able to receive and respond to India calls for an analysis of norms and beliefs that constitute 'the basis for substantive international legitimacy judgments.'[72]A purely realist or materialist explanation 'becomes conceptually problematic because it implies that structural changes automatically induce appropriate, rational responses from states.'[73] Moreover, a preoccupation with 'why' overlooks 'how' a process of assuagement happened and 'how' reconciliation was made possible. Here, the thesis discusses the role of—(i) Norm of Non-Proliferation: Horizontal versus Vertical Proliferation; (ii) Non-Use, Deterrence and Nuclear Restraint; (iii) Rogue doctrine—to explain shared norms and beliefs that served as resources in this process and circumscribed the interaction between the intervening state and the targeted audience. From this perspective, 'strategic agency consists not of the ability to escape the restrictions generated by prevailing norms but of recognising and making use of the opportunities they afford.'[74] Furthermore, within a constructivist account that treats 'identity as an empirical question to be theorized within a historical context,'[75] the response side highlights how India's democratic and responsible identity facilitated nuclear reconciliation.

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[68] Nayudu, Swapna Kona 'The Nuclear Deal and the Non Proliferation Debate', in P. R. Chari (Ed.), *The Indo-US Nuclear Deal: Seeking Synergy in Bilateralism,* Routledge, New Delhi, 2009, p.163.
[69] Statement by New Zealand's Disarmament Minister quoted in New Zealand Herald, 14th Aug, 2008.
[70] Ibid.
[71] Kienzle, Benjamin, 'Integrating without Breaking the Rules: The EU and India's Acceptance within the Non-Proliferation Regime,' *Non-Proliferation Papers*, EU Non-Proliferation Consortium, No.43, February 2015, pp:11
[72] Coleman, Katharina, *International Organizations and Peace Enforcement: The Politics of International Legitimacy,* Cambridge University Press, 2007.
[73] Goh, Evelyn, *Constructing the US Rapproachment with China, 1961-1974: From Red Menace to Tacit Ally*, New York and Cambridge: Cambridge University Press 2004, p.4.
[74] Ibid.
[75] Hopf, Ted, 'The Promise of Constructivism in International Relations Theory,' *International Security,* 23 (1),1998, p.173.

India's 'strategy of constituting itself as a responsible nuclear power'[76] influenced the reception of its claims by the targeted audience. And the response side highlights the manner in which India's 'identity as a responsible possessor of nuclear weapons'[77] was ascribed and employed in the responses of the targeted states. Additionally, the response side discusses how normative understandings of these states and their claims to being responsible enabled and/or prohibited their interaction with India. Similarly, the discussion highlights a constitutive effect of a democratic identity that enabled for India to be seen as a 'non-threatening member of international society.'[78] Democracy 'as a value based- argument was persuasive in itself'[79] that 'chimed with the prevalent western values'[80] and 'appealed to several states in the background of the disintegration of the Soviet Union.'[81] Democracy 'and attending package of linked values and interest' also desecuritized 'Indian nuclear weapons in a context where nuclear weapons and their proliferation had been securitized.'[82] A 'legitimization of democracy support and expansion activities,' was framed not only 'through reference to the liberal peace thesis, the war on terror,' but also the 'new thinking in socio-economic development and human security.'[83] India's development was increasingly employed in reason giving and justifications on the response side.

The thesis argues that a power and interest explanation by itself is not adequate to wholly explain the story of India's nuclear reconciliation process— a process perhaps shaped by geo-political considerations and/ or economic/ trade interests of these other states. However, normative evaluations provided the strategic context for this process and facilitated the timing of India's reconciliation; whereas its absence would have made the process costly in terms of diplomatic, political bargaining and/or economic costs. The thesis thus highlights the role of normative factors as a resource on both sides envisioning the role of norms as enabling rather than exclusively restrictive. For example, I discuss how better defined non-proliferation norms and a consolidated regime after 1998 enabled India to make a better case for itself in as much as it made it possible for other states, constrained by normative commitments, domestic factors and/or strategic considerations to justify their response.

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[76] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p.825.
[77] Ibid.
[78] Price, Richard, 'Nuclear Weapons Don't Kill People, Rogues Do', *International Politics*, vol. 44,2007, p.243.
[79] Author's Interview with Richard Lennane Australian Foreign Service. Former Head, Implementation Support Unit, Biological Weapons Convention (BWC) at The Hague, on 1st September 2014.
[80] Ibid.
[81] Author's Interview with Mr. Gopalapuram Parthasarathy.27th September 2012,New Delhi.
[82] Hayes, Jarrod, *Constructing National Security: U.S. Relations with India and China,* Cambridge University Press,2013,p.92
[83] Buxton, Julia, '*Securing Democracy in Complex Environments*,' Taylor & Francis, 2006, pp: 710.

Empirically, the goal of the thesis is to explore the two-sided legitimation process as the explanation assumes two sides to the story, Indian side and the international response side. On one hand, I analyze strategies employed by the Indian government to justify India's possession of nuclear weapons after 1998. Additionally, I analyze how and why selected states in the targeted international audience received and responded to India's strategies. Theoretically, the objective is to make an important place for the study of norms and legitimacy in the nuclear and security discourse. Grounding my conceptualization within the theoretical framework of constructivism, I explain how a two-sided legitimation process was made possible by prevalent norms with an underlying motivation to bring closer the study of strategy and norms. With the conceptual focus on the role of norms, values and beliefs, a constructivist account provides an inter-subjective context to understanding the process that locates legitimacy at the center of the discussion and that points to (a) how norms and international institutions are able to (or not able) to constitute interests of states and (b) how they can be sites 'for the struggle over status, legitimacy and power.'[84] Normatively, the goal is to explain why legitimacy matters, arguing that a legitimation process reduced the costs for the Indian government by allowing a strategic employment of different arguments that appealed to different states in the targeted audience. As an 'inexpensive and important supplement,'[85] in the reconciliation strategy, seeking a certain degree of nuclear legitimacy for India enabled India's NSG waiver as much as it also enabled states in the targeted audience to either support (as P3 did), not come in the way (as game-changers) or not block India-specific exemptions (as white knights did), cost-effectively.

To this extent, the main empirical question of the thesis is: *In what ways and how did India acquire international nuclear legitimacy for its possession of nuclear weapons after 1998?* This question has three subsidiary questions:

(i) What kind of legitimation strategies did the Indian government employ after 1998 to justify India's possession of nuclear weapons?

(ii) How and why did selected states in the targeted international audience respond to India's claims and strategies after 1998 in the manner they did?

(iii) Evaluate the ways and extent to which India has been successful or unsuccessful in its strategies as a possessor of nuclear weapons?

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[84] Hurd, Ian, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, Princeton: Princeton University Press, 2007, p.19.

[85] Rathbun, Nina Srinivasan, 'THE ROLE OF LEGITIMACY IN STRENGTHENING THE NUCLEAR NONPROLIFERATION REGIME', *The Nonproliferation Review*, vol.13, No. 2,2006, p.228.

The 'NSG waiver is seen as a successful outcome of the process of acceptance,'[86] and the third subsidiary research question offers an evaluation of India's success as a nuclear possessor, discussed in detail in chapter eight in three main sections. The first section outlines the ways and extent to which the Indian government was successful in gaining legitimate access to international nuclear commerce. Here, success is evaluated along benchmarks of access and participation: a) What has India gained access to; b) Extent of India's participation in the NSG and club membership c) Actual operation of nuclear facilities and civilian nuclear agreements. Within this benchmark, the issue of nuclear safety, nuclear security and nuclear liability are also discussed in the context of international law and norms. The nuclear negotiations discussed in detail in chapter eight provide evidence of the ways in which India was accommodated within the existing framework of rules by the participating NSG governments to 'facilitate legitimate nuclear trade by providing a mechanism that permits nuclear cooperation in a manner consistent with international nuclear non-proliferation norm.'[87]

The evaluation highlights the 'give and take' in terms of what is it that India actually got and was required to give in return. For example, India was not granted access to sensitive enrichment and reprocessing (ENR) technology transfers as desired that indicates a limited success on the access front. India has not been granted NSG membership and India's waiver addresses only the demand/ import side. On the export/ supply side, India is not recognized as a supplier and 'India's possession of atomic arms outside the Nuclear Nonproliferation Treaty remains a key sticking point for some countries in the Nuclear Suppliers Group.'[88] In the second section, India's success is evaluated in the context of a de-facto recognition for its possession of nuclear weapons along factual benchmarks of: (a) the extent of separation of civil and military sites; (b) the extent of actual weaponization; and (c) the extent to which nuclear weapons are operationalized. The third section provides an overview of India's success in terms of its engagement with the non-proliferation regime, where an evaluation of India's behavior outlines the extent to which India actually met non-proliferation benchmarks and the ways in which India actually complied with the rules of the nuclear game.

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[86] Author's Interview with Richard Lennane Australian Foreign Service. Former Head, Implementation Support Unit, Biological Weapons Convention (BWC) at The Hague, on 1st September 2014.

[87] Attachment to the IAEA communication of 28 August 2003 received from the Government of the United States of America on behalf of the member states of the Nuclear Suppliers Group, INFCIRC/539/ Rev.2, 16 Sep. 2003 on 'The Nuclear Suppliers Group: its origins, role and activities',

[88] See 'India's Quest for Atomic Trade Group Membership Faces Hurdles: Expert,' July 28, 2014. Available at: http://www.nti.org/gsn/article/indias-pursuit-nuclear-suppliers-group-membership-faces-many-hurdles-expert/

Theoretical Framework and Definition

Generally speaking, the term legitimacy is used in the context of the right to act in a particular context and legitimacy claims are made to assert that right. In constructivist terms, legitimacy as a social construct derives it's meaning from a normative arrangement amongst actors in a social context and the thesis also acknowledges the reality of a strategic context. To explain why legitimacy matters to state- actors, the discussion moves along a legitimacy spectrum, that is, between an extreme view that would dismiss legitimacy and a purely normative view that understands legitimacy only via a process of internalization to arrive at a 'point of osmosis.'[89] This provides a meeting point for expectations that are shaped by what seems instrumentally viable to others *and* expectations that are primarily shaped by what should seem socially appropriate to others. This theoretical framework is discussed in **Chapter Two** where the discussion is structured around *three core issues*. Firstly, why do an intervening actor and the audience care about legitimacy? In other words, how and why does legitimacy matter for India and for other states responding to India? Secondly, what constitutes the subject matter of legitimacy judgments and who constitute the targeted international audience to whom the legitimacy claims are made? The third issue relates to the definition and operationalization of the concept of international nuclear legitimacy.

First Issue: The thesis employs Erik Voeten's model that provides a useful basis on which a 'point of osmosis' or a meeting point is grounded to explain, how and why legitimacy is desirable and matters to state actors. It offers a constructivist account of social perceptions and desirability for legitimacy linked with beliefs about favorable outcomes and perceived costs. Voeten's model of 'legitimacy perceptions'[90] and 'assurances about consequences'[91] is combined with an emphasis on states' desire and motivation to be seen as acting in a legitimate manner. Such a view highlights, that while there may not be a normative consensus yet there are certain rules of the game that shape outcomes and interactions and the sorts of claims that can be made in order to pursue one's interests and objectives. In other words, even if states 'disagree on the normative value of the content of prevailing rules, they value the society that these rules are both outgrowths of and help to order.'[92]

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[89] The process of osmosis is the spontaneous net movement of solvent molecules in the direction that tends to equalize the solute concentrations on the two sides, leading to equilibrium.
[90] Voeten, Erik, 'The Political Origins of the UN Security Council's ability to Legitimize the Use of Force,' *International Organization*, 59, Summer 2005, p.534.
[91] Ibid., p.527-557.
[92] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy*, p.38.

Legitimacy is understood beyond a process of internalization to that being shaped by the rules of the game and motivated by a desire to be seen as acting within the rules. Moreover, this is because states enjoy being seen as good 'club members' by other states and not only because 'good international citizenship has become an intrinsic part of their identity.'[93] In other words, a persuasion or a genuine endorsement of claims by the international audience may well be desirable but is not necessary to achieve a desired outcome as 'actors may simply seek an acceptance,'[94] and 'an acceptance of claims or of a reality does not imply or even require a change of heart.'[95] Actors may simply deploy legitimacy claims to strategically pursue goals even in absence of persuasion or socialization.

Second Issue: India, as a nuclear possessor or its *possession* of nuclear weapons is treated as the subject matter of legitimacy judgments. This is distinct from the legitimacy of nuclear weapons or nuclear status. As a social concept legitimacy is inextricably linked to social perception making it equally pertinent to identify a relevant audience to whom legitimacy claims are made. The selected states that from an Indian viewpoint were strategically targeted are categorized into three main groups. The first group is the 'supporters' and includes U.K, Russia and France, collectively referred to as the P3.The second group is the 'passive supporters' and includes Australia, Canada, Germany and Japan collectively referred to as the 'game-changers,' that did not come in India's way. The third group is the 'opposers' and includes Austria, Ireland, Norway, Sweden, Netherlands, New Zealand and Switzerland, collectively the "White Knights," that could have blocked the NSG consensus. The selection-criterion of these three groups is discussed in detail in subsequent Chapter Two.

Third Issue: This third issues relates to the definition and operationalization of the concept of International Nuclear Legitimacy (INL), a concept that goes beyond the physical possession of nuclear weapons, and the latter is necessary but not by itself sufficient to claim international nuclear legitimacy. Drawing upon Gormon and Hamilton's work[96] on nuclear legitimacy as a political and social construct in post-Cold War, the thesis employs a definition that links 'rules of the game' with a 'higher purpose' of playing the game, which as Voeten argues, must not only be equated to simply the preservation of the normative framework but also includes the goal of mutually beneficial equilibrium and favorable outcomes.

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[93] Ibid.
[94] Bower, Adam, 'Arguing with Law: Strategic Legal Argumentation, US Diplomacy and Debates over the International Criminal Court,' *Review of International Studies*, 41,2,2015, p.338.
[95] Author's Interview with Ambassador T.P. Sreenivasan. Member of India's National Security Advisory Board; Permanent Representative of India to the United Nations, New Delhi, 20th Dec 2012.
[96] O'Gorman & Hamilton,'At the Interface: The Loaded Rhetorical Gestures of Nuclear Legitimacy and Illegitimacy,' p.43.

The concept of international nuclear legitimacy is operationalized within a framework, as shown in Table.1 below, that appeals to procedural and substantive notions namely, (I) Physical Possession and Capacity; (ii) Domestic Polity and Nuclear Policy; (iii) International Norms and Compliance; (iv) Responsible Nuclear Behavior; (v) Nuclear Trade & Multilateral Engagement. Procedural may emanate from a 'rightful source of authority' whereas substantive embodies 'proper ends and standards.'[97] The procedural face reveals itself as 'a quest for what can reasonably be accepted by international society as a tolerable consensus on which to take action.'[98] Here, it refers to structured processes of decision-making and the physical aspect of nuclear capacity. However, substantive refers to values and beliefs, that is, legitimacy claims 'need to be justifiable on the basis of shared goals and values.'[99] In Voeten's model, these shared goals are structured in an 'elite pact' where actions of an intervening state are perceived as legitimate as long as it maintains the 'higher purpose of stability' sustained by belief of states that violation of such a norm is 'costly, undesirable, or inappropriate.'[100] In the context of the thesis, for example, the norm of deterrence and non-use of nuclear weapons, the non-proliferation norm against horizontal proliferation, value of democracy and the 'rogue doctrine' in a post-Cold War nuclear discourse are identified as some of the shared values and beliefs that sustain 'equilibrium behavior'[101] in the nuclear regime. In this context, International nuclear legitimacy is defined as,

> A social quality ascribed to states and their actions. It includes the physical structure and material aspects but also the discursive processes and rules of the game, that are both normative and instrumental and that shape interactions and outcomes and the sorts of claims that can be made in order to pursue one's interests and objectives. Nuclear legitimacy is sustained because of a state's desire to be seen within the rules and because of subjective perceptions of the relevant audience that the intervening state is acting within the rules, although the source and reasons for the judgments might be different. It thus goes beyond a normative prohibition to the goal of stability and a normative equilibrium sustained by a belief that violation of the rules is both costly as well as undesirable and inappropriate.

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[97] Beetham, David, *The Legitimation of Power*, Macmillan, Basingstoke, 1991,p.1
[98] Clark, Ian, *Legitimacy in International Society*, Oxford University Press, Oxford, 2005.p.3
[99] Hurrell, Andrew ' Legitimacy and the use of force: can the circle be squared?' *Review of International Studies*, vol.312005,p.20.
[100] Voeten, 'The Political Origins of the UN Security Council's ability to Legitimize the Use of Force,' p.534.
[101] Ibid.

TABLE 1. Framework for International Nuclear Legitimacy			
DIMENSIONS	**KEY COMPONTENTS / INDICATORS**		
Physical Possession and Capacity	Nuclear weapons test & possession of weapons-usable material	Warheads and nuclear capable delivery systems (Weaponization)	Operationalization Of capacity (Command and control)
Domestic Polity and Nuclear Policy	Nature of government & Threat Perception	Nature of nuclear weapons establishment	Declaratory policy and strategy
International Norms and Compliance	Substantive Compliance with international treaties (NPT)* & prevalent norms	Other voluntary international commitments & engagements (PSI, NSS, NSG and IAEA)*	Alignment of behavior with the rules of the game
Responsible Nuclear Behavior	Nuclear restraint	Strict export controls & Non-transfer of nuclear technology	Horizontal proliferation record
Nuclear Trade & Multilateral Engagement	Bilateral nuclear trade agreements and commitments with other states	Engagement with Multilateral Institutions (NSG, IAEA safeguards & additional Protocol)*	Operation of civilian nuclear facilities and Nuclear Safety and Security.
***Note:** Proliferation Security Initiative (PSI); Conference on Disarmament (COD); Nuclear Security Summit (NSS); Non-Proliferation Treaty (NPT); Nuclear Suppliers Group (NSG); International Atomic Energy Agency (IAEA). * Dotted lines signify interaction and interplay between the dimensions.			

Review of Existing Works &Research Methodology: Strengths & Limitations

Existing scholarly works have employed a constructivist framework to offer a normative explanation, acknowledging the role of international norms and India's responsible nuclear behavior.[102] However, a theoretical concept of nuclear legitimacy in direct reference to a state' motivation is sparsely found in the existing literature on India's nuclear behavior and policy. In this light, Sasikumar' work on India's responsible behavior and the implications of the US-India nuclear agreement for the norms of non-proliferation is relevant. Her work highlights the role of norms as important resources but falls short of explaining an enabling role of norms nor does it link India's responsible behavior to India's legitimacy claims and the implications of these claims for the legitimacy of India's nuclear possession. It lays out the puzzle around a tacit recognition of India's nuclear weapons, however, falls short of explaining perceptions of other states and how and why they recognized and/or endorsed India's claims in a particular way.

In his work, Price acknowledges India' recognition of being a 'responsible nuclear power' particularly by the Bush administration and how it is likely to deepen the legitimacy deficit of the treaty and is seen as an attempt 'to reconstitute the social relations underpinning the non-proliferation regime.'[103] However, his discussion is primarily in the context of the NPT, differentiating between the treaty's 'legitimacy crisis' and crises in the non-proliferation regime per se.[104] Müller on the other hand highlights the effects of international norms and how the NPT marked 'the magic line beyond which nuclear weapons aspirations lost their legitimacy.'[105] Müller suggests that that many of the 'renouncers' of nuclear weapons actually came from the non-aligned camp or those who had no reliable guarantee under a 'nuclear umbrella' but they chose to do so as 'renouncing nuclear weapons appeared a particularly fit instrument to demonstrate good international behavior.'[106] Thus, Müller' work acknowledges the role of norms in differentiating 'good' states from 'rogue' states and places India in the former category. However, it does not explain how India has been able to fit in the former category and how and why did other states in the audience accept that India is not a rogue state.

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[102] See Sagan, 2000; Rathbun 2006; Sasikumar, 2007; Price, 2007; Muller, 2010; Nayan, 2010; Weiss, 2010.
[103] Price, 'Nuclear Weapons Don't Kill People, Rogues Do', p.232.
[104] Ibid., p.238.
[105] Müller, 'Between Power and Justice: Current Problems and Perspectives of the NPT Regime', p.190.
[106] Ibid.

Offering a critical analysis of the NPT's legitimacy, Rathbun's work[107] explains how different states appeal to different pillars of the NPT that make cooperation possible. While it provides a framework to assess legitimacy, the focus is on the legitimacy claims of the institutions: the IAEA and the NPT as she proposes ways to strengthen and reinforce the regime and the legitimacy of its institutions. On the other hand, Nayan's work seeks to provide a more practical framework in understanding India's relationship with the NPT and he discusses different ways to redefine this relationship. His work acknowledges the role of India's 'responsible behavior' and how this has allowed India to engage with some other aspects of the regime thus bringing a 'new equilibrium between India and the global non-proliferation system.'[108] However, Nayan proposes an amendment to the existing rules of the NPT to accommodate India as NWS, which he argues should not be viewed as 'unnecessary legitimization of proliferation.'[109] This becomes problematic as it overlooks the implication of India joining the NPT as NWS, for such a move would imply a de-jure recognition of India's nuclear status (as the sixth recognized NWS) and this would indeed bring legitimacy not only to India's possession of nuclear weapons but also its nuclear weapons status. Moreover, in exploring India's engagement with the regime as an 'exception' Nayan' work does not explain how and why it has been possible to accommodate India in the first place and how have India centric- exemptions and waiver been claimed and justified both by India and by these other states responding to India.

Recent significant works such as that of Nicola Horsburgh and Kate Sullivan build upon the idea of nuclear responsibility. A view that embraces 'not just compliance with the NPT regime but also the nuclear policies and behavior of nuclear armed states outside the NPT' discussing 'what it means to be a responsible nuclear armed in the global nuclear order with a focus on China.'[110] Her work thus offers a framework to assess behavior of states such as India that are outside the NPT 'but have nonetheless seen some success at constituting themselves at responsible nuclear powers.'[111] Sullivan in her policy work addresses this very

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[107] Rathbun, Nina Srinivasan, 'THE ROLE OF LEGITIMACY IN STRENGTHENING THE NUCLEAR NONPROLIFERATION REGIME', p.227 — 252.

[108] Nayan, Rajiv, 'The NPT and India: Accommodating the Exception', *Strategic Analysis,* vol.34, no. 2, 2010, p. 314.

[109] Ibid.,p.320.

[110] Horsburgh, Nicola, *China and Global Nuclear Order. From Estrangement to Active Engagement,* Oxford University Press, 2015; Nicola Horsburgh, 'Problematizing the Idea of a Responsible Nuclear Armed State: China and the Global Nuclear Order,' IR Research Colloquium, Department of Politics and International Relations, University of Oxford (24 January 2013).

[111] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p.825.

question asking: 'is India a responsible nuclear power?'[112] Her evaluation of India's responsible behavior claims highlights the significance of the degree of acceptance of the same by different groups of states within the international community. Both these works point to how acquiring a responsible status confers legitimacy on the intervening state employing similar benchmarks for assessing responsible behavior that emanate from: NPT compliance, notion of nuclear security and safety and declaratory policies and strategies. The focus of the present thesis however is to explain how India made certain claims and how the international audience was able to *or* not able to, receive and respond to India's arguments. In this regard, responsible nuclear behavior 'is treated 'as one instance of international legitimacy,' that represents 'one variant form through which legitimacy comes to be practiced.' [113] Further, the thesis elaborates on the audience side to discuss how the selected states claimed to be responsible nuclear states and the manner in which this affected their perception and reception of India's responsible strategy. Thus, responsible behavior is discussed in the context of how it was employed as a normative resource on both sides to facilitate the subsequent shift from 1998 to India-specific NSG exemptions in 2008. In other words, recognition of India's responsible behavior claims is identified as one of the indicators or dimensions of the degree of international nuclear legitimacy. However, by itself it may not be sufficient for a holistic explanation of how India's nuclear reconciliation process unfolded after India's tests in 1998.

Another relevant work is the 'Nuclear Materials Security Index' launched by the Nuclear Threat Initiative in partnership with The Economist Intelligence Unit. It assesses 25 states with one kilogram or more of weapons-usable nuclear materials in the context of nuclear materials security conditions. To do so, it assesses states in five categories: (a) Quantities and Sites, (b) Security and Control Measures, (c) Global Norms, (d) Domestic Commitments and Capacity, and (e) Risk Environment. Further each of the categories have sub-indicators to provide an assessment of the security of the nuclear materials that include for example Quantities of Nuclear Materials, sites and transportation, on-site physical protection, Insider threat prevention, response capabilities, international legal commitments, voluntary commitments, international assurances, safeguards adherence and compliance, independent regulatory agency, domestic legislation, political stability, effective governance, groups interested in illicitly acquiring materials.

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[112] Sullivan, Kate, H., 'Is India a Responsible Nuclear Power,' *RSIS Policy Report*, March, 2014.
[113] Bukovansky, Mlada, Ian Clark, Robyn Eckersley, Richard Price, Christian Reus-Smit, and Nicholas Wheeler, *Special Responsibilities:Global Problems and American Power*,(Cambridge: Cambridge University Press, 2012, p.5.

The thesis thus draws upon the wider literature on India's nuclear policy and behavior, the legitimation strategies uncovered on the Indian side and arguments that emanate either in reference to and/or from states outside the NPT framework such as India, Pakistan, North Korea or states seen in non-compliance with the treaty such as Iran— to identify some of the key indicators of nuclear legitimacy, outlined in Table 1. Such references most commonly found in news articles and/or public statements of leaders where for example, in the context of India's nuclear reconciliation process Nitin Pai writes how 'China opposes nuclear legitimacy for India.'[114] Similarly, the Chinese Assistant Foreign Minister argued that 'the international community should stick to the spirit and principles enshrined in the Nuclear Non-Proliferation Treaty (NPT) as well as the consensus reached in the UN Security Council resolution 1172.'[115] Here, the NPT and its principles are the source of nuclear legitimacy, one that China opposed for India.

Then for example, Pakistan's Prime Minister Y.R. Gilani explained how Pakistan's participation in the Nuclear Security Summit 'itself brings a higher degree of legitimacy to its nuclear program,' adding that 'our nuclear program is in safe hands' and the world is 'convinced that our command and control system is undoubtedly effective.' He further remarked that 'not even a single head of state or government raised concerns about Pakistan's nuclear program which is a great victory for Pakistan.'[116] Here, legitimacy is understood in the context of how a state is seen in the eyes of the international community of states, the effectiveness of its weapons - organization and multi-lateral engagement believed to accrue a certain international nuclear legitimacy. Similarly, Iran's actions have been seen in non-compliance with the NPT and subjected to international criticism for undeclared enrichment sites and suspected clandestine weapons program. Yet, Iran has claimed that as a NPT member 'the six world powers of P5+1 must recognize Tehran's legitimate right to nuclear energy as the progress of the Iranian nation cannot be obstructed.' Thus, 'Iran is determined to convince the international community that it is acting within laws and rules. To break the laws is to risk losing the shield that legitimacy gives political leaders and states to ward off competitors.' As Perkovich further notes, 'Iranian leaders have broken many nuclear rules, too. But by always claiming that they have been falsely accused, or have a different understanding of the rules, they show the importance they ascribe to being perceived as within the law. Law provides leverage to

[114] Pai, Nitin, 'China Opposes Nuclear Legitimacy for India' *The Acorn*, 30th June, 2004.
[115] Joseph, Anil 'Don't Give Nuke status to India, Pak,' *Rediff India Abroad*, June 29, 2004.
[116] Malik, Zahid, 'Summit Presence legitimizes Nukcs: Gilani,' *Pakistan Observer*, April 15, 2010.

those who use it best.[117] Here, Perkovich also highlights the importance states attach to being seen as playing by the rules although, the argument is primarily within a legalistic framework for international legitimacy linking legitimacy to mainly legalistic claims. There is a problem in the conflation of legal with legitimate and assuming the dependence of one on the other. Legitimacy in the context of this thesis goes beyond a purely legalistic definition. While 'there is of course the legal argument that goes with the treaty and the commitments but in IR it is also the perceptions of how you have done. And there are some universal values by which you judge, as they become the parameters for your behavior so legitimacy is not just that much, it is a little wider than that and it also includes conventional wisdom on many of these and the customary practices that get accommodated in that.'[118] Iran, for example, argued what 'Iran wants is Western recognition. We want them to recognize our right to a peaceful nuclear programme under the NPT. If they just say this, we would agree to a settlement.'[119] In these negotiations, legitimacy is understood in the context of a desire for a recognition and acceptance for the intervening state's claims.

This thesis addresses some of the gaps in the existing works by employing a research method, addressing both sides of the legitimation process and involving the following two things. Firstly, establish what are going to count as legitimacy claims on the Indian side. Secondly, outline *how and why* selected states responded to India's claims in the manner they did. The research methodology is based on qualitative methods of process tracing and elite interviewing. Given this, the process of uncovering the legitimation strategies on the Indian side involved reviewing secondary literature and material followed by collating the collected material to formulate questions for semi-structured elite interviews with an identified group of elites that included diplomats, government officials, bureaucrats, nuclear scientists, strategists, academicians and activists. The secondary material and interview transcripts were examined to trace and uncover India's legitimation strategies along the following dimensions namely—(I) Nature of government, national security and policy; (II) International norms and playing by the rules; (II) Responsible nuclear behavior; (IV) Scientific competency & credibility of nuclear establishment; (V) A de-facto recognition and procedural legitimacy.

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[117] Perkovich, George, 'Dealing with Iran: The Power of Legitimacy,' Policy paper for Carnegie Endowment for International Peace, October 7, 2009. Available at http://carnegieendowment.org/2009/10/07/dealing-with-iran-power-of-legitimacy

[118] Author's interview with Mr. Jaswant Singh, Former Minister External Affairs Ministry, (1998-2004) Former Defence Minister (2000-2001), New Delhi, 18th August'2012.

[119] Statement by Seyyed Abbas Araghchi, Iran's deputy foreign minister at a press conference on hisvisit to New-Delhi, qouted in the Times of India, October 17, 2012.http://timesofindia.indiatimes.com/world/middle-east/Ours-is-a-peaceful-Nprogramme-Iran/articleshow/16843659.cms

On the other hand, outlining international responses involved reviewing official statements and policy decisions of the selected states between 1998-2008. The secondary literature and collected material was collated and supplemented with semi-structured elite interviews with political ministers, nuclear counselors and representatives at their respective permanent missions. The official country positions were supplement with elite interviews with former diplomats, non-state actors, activists, journalists, experts and academicians from selected states. The secondary material and interview transcripts were examined to uncover emerging themes/reasons along which, the international responses are outlined namely—(1) End of the Cold War and economic reforms (2) The U.S. predisposition to India; (3) The Role of shared norms and beliefs; (4) Responsible nuclear state; (5) India's democratic identity.

The method of process tracing was useful in obtaining information about specific events and processes and involved 'the analysis of political developments at the highest level of government' and for which elite actors served as a critical source of information. Elite interviews facilitated the process tracing method providing 'the kind of data that can be critical in uncovering the causal processes and mechanisms that are central to comprehensive causal explanations.'[120] Relying on a combination of two kinds of non-probability sampling: purposive sampling and snowball/ chain –referral sampling, I begin with purposive sampling based on a positional criteria with a pre-defined and visible set of relevant actor/ elites and this was supplemented with a reputational criteria where those actors deemed influential in particular arena by their own peers were later added to the sample, even if they were not included initially. The initial set of respondents initiated a chain-referral process, which was repeated with the new nominees to reach the desired number of interviewees. Elite interviews were useful, firstly, because nuclear decision-making in India has remained an elite affair and small, closed circle of political leaders, officials and nuclear scientists made the decision to test. Perkovich notes, 'no one but Vajpayee, Jaswant Singh, Brajesh Mishra, perhaps L.K.Avdani, and certainly Kalam, Chidambaram, and a handful of other top scientist knew what "the government" actually was intending to do'[121] and the military was excluded from the decision-making even in 1998.

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[120] Tansey, Oisín 'Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling,' *Political Science and Politics*, vol. 40, no. 4, Oct. 2007.p.767

[121] Perkovich, George, *India's Nuclear Bomb: The Impact on Global Proliferation* (Berkeley, University of California Press), 2001.

Secondly, elite interviewing helped corroborate what has been established from secondary sources thus increasing the credibility of information previously collected. Thirdly, specific to the thesis, a strength of elite interviewing has been their additive role as it enabled collection of first hand testimony from some direct participants who were involved in the critical events and processes and thus provided 'means to probe beyond official accounts and narratives and ask theoretically-guided questions about issues that are highly specific to the research objectives.'[122] For example, interviewees on the Indian side included individuals who participated in the negotiation process for India's NSG waiver in 2008. On the response side, semi-structured elite interviews were useful to corroborate collected material. Here too, it served an additive role as simply relying on official documents and version of events could conceal 'the informal processes and considerations that precede decision making.'[123] Official statements/ documents may represent decisions in a way that implies consensus and overlooks the disagreement and reservations that precede a decision. In the present case, elite interviews enabled the research to explore the decision-making process prior to the actual decision. Further, being mindful of the limitations of elite interviewing and aware that interviewees might be constrained by rules of secrecy and that their views on policy are often remarkably congruent with the official narrative,[124] I was careful to not ask questions aimed at eliciting sensitive information.

To address selection bias, the sample focused on elites actors who were involved in deliberations and decisions on India's strategy. On the response side, both kinds of responses were included i.e. the positive as well as the negative ones and close to half of the states selected were either strongly opposed to India's NSG waiver or had reasons to not support India's NSG waiver in 2008. The research however, did not aim to draw a representative sample of the larger population to make generalizations, rather the goal was to reduce randomness 'as it risks excluding important respondents from the sample purely by chance.'[125] Further, acknowledging an inherent limitation of the thesis to include the responses of all 45 NSG member-states or even states beyond the NSG, only those states are selected that from India's perspective were key players in the NSG and that mattered to be convinced and were thus consciously targeted by the Indian government after 1998.

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[122] Tansey, 'Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling', p.769.
[123] Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, (MIT Press) 2005, p.103.
[124] Abraham, *The Making of the Indian Nuclear Bomb,* p.4.
[125] Tansey, 'Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling',p.765.

The Outline of the Thesis

The following **Chapter Two** will outline the theoretical framework in detail. The rest of the material in the thesis is organized into three main parts.

Part One of the thesis comprises of **Chapters Three and Four** that address the first subsidiary question and offers a discussion of India's legitimation strategies and claims. Chapter three will outline India's security and sovereignty based claims, claims to substantive compliance with international norms, principles and claims of playing by the rules. Chapter four outlines India's claims to responsible nuclear behavior, scientific competency and credibility of nuclear establishment and lastly, India's claims to a de-facto recognition and a procedural legitimacy.

Part Two of the thesis comprising of **Chapters Five, Six and Seven** addresses the second subsidiary question on international responses of the P3, game-changers and white knights to bring to fore a two-sided legitimation process. Chapter Five will outline the international responses and here, I discuss the end of the Cold War and economic factors that contributed to a "perception of a new India in a new world" and the US predisposition towards India after 1998. Chapter six outlines an enabling role of prevalent norms and beliefs, discussing the role of the norm against horizontal proliferation, norms of non-use and nuclear restraint and the rogue doctrine. Chapter seven discusses India's responsible and democratic identity and how this mattered in the international responses towards India. The separation of three chapters on international responses is for structural purposes as analytically, it is an interplay of material and normative factors that ultimately made possible India's nuclear reconciliation and thesis seeks to bridge the gap between norms and strategy.

Part three of the thesis comprises of **Chapters Eight and Nine.** Chapter Eight addresses the third subsidiary question that is the ways and extent to which India has been successful and/or unsuccessful as a nuclear possessor evaluated along three broad benchmarks of access and participation, a de-facto recognition for India's possession of nuclear weapons and India's compliance with international norms and rules. The concluding chapter nine addresses alternate explanations, highlights why legitimacy mattered in the interaction as the discussion seeks to tie the theoretical arguments with the empirical material. It also discusses some of the contribution and policy implications of the research, challenges and possibilities for India's engagement, going forward.

CHAPTER TWO

Theoretical Framework: International Nuclear Legitimacy

Legitimacy as a concept is internal and inter-subjective and inherently complex to study and demonstrate, as it may not be 'readily accessible to outside observers or even to the actor itself.[126] Yet, the study of legitimacy has come to occupy an important place in scholarly works.[127] This chapter begins with a discussion on the constructivist approach to legitimacy highlighting some broadly acknowledged observations on legitimacy found in the constructivist literature. Thereafter, the discussion moves along a legitimacy spectrum to arrive at point of osmosis that closes the gap between an extreme view that would dismiss legitimacy as cheap talk *and* a purely normative view that would understand legitimacy only via a process of internalization. Finally, this chapter outlines the theoretical framework within which legitimacy is approached and here the discussion is structured around three core issues. Firstly, why do an intervening actor and the audience care about legitimacy? Secondly, what constitutes the subject matter of legitimacy judgments and who constitutes the relevant international audience to whom the legitimacy claims are made? The third issue is definition and operationalization of the concept of international nuclear legitimacy.

2.1 Constructivist Approach to Legitimacy

Legitimacy is understood as a social construct that derives its meaning from a normative arrangement amongst members of society. In other words, what legitimacy means is derived from the social values and norms that circumscribe society and that provide the intersubjective basis for interaction between actors. Legitimacy is 'a generalized perception or assumption that the actions of an entity are desirable, proper or appropriate within some socially constructed system of norms, values, beliefs, and definitions.'[128] The forms of legitimacy 'largely stem from norms upon which the legitimating principles that

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[126] Hurd, Ian, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, Princeton: Princeton University Press, 2007.p.8.

[127] Some of the significant scholarly works on legitimacy found both in the constructivst and the rationalist literature includes Weber, 1947; Franck, 1990; Beetham, 1991;Dahl and Lindblom, 1992: Suchman, 1995; Finnemore and Sikking, 1998; Hurd, 1999; Bukovansky, 2002; Clark, 2003; Steffek, 2003;Bernstein, 2004; Risse, 2004; Hurrell, 2005; Voeten, 2005;Tyler, 2006; Buchanan and Keohane, 2006, Reus- Smith, 2007, Coleman, 2007, 2010; Weiss, 2010.

[128] Suchman, Mark, C., 'Managing Legitimacy: Strategic and Institutional Approaches,' *Academy of Management Review*, vol. 20, no. 3,1995, p.574.

underpin a normative order are based'[129] and rules derived from norms, may legitimate both social action and social order. Extending this understanding, Hurd observes, once the norm has become a rule that is internalized it effects 'the actor's own definition of its interests.'

> The operative process in legitimation is the internalization by the actor of an external standard. Internalization takes place when the actor's sense of its own interests is partly constituted by a force outside itself, that is, by the standards, laws, rules, and norms present in the community, existing at the intersubjective level.[130]

In such 'constructivist terms, the legitimation processes alter the structure of identities and interests'[131] and legitimacy contributes to compliance by providing an internal reason for an actor to follow a rule. Within this perspective legitimacy is founded on the logic of appropriateness that supplants norms over instrumentality.[132] The conceptual core of a model of appropriateness is the view that 'some international behavior by states is governed by beliefs about what is appropriate rather than by the anticipated consequences for the actor's utility.'[133] Such a model is sustained on 'rule evaluation' rather than 'act evaluation'[134] and 'interests' are conceived separate from the 'rules' to which actors may be socialized.'[135] Here, a social attachment to the norm or 'commitment'[136] takes the place of the consideration of interests.[137] In other words, even if 'states might initially pay mere lip – service to the new norm or embrace it for purely strategic reasons,'[138] yet, the desire for 'legitimation, conformity and esteem,' is likely to socialize them into accepting a new standard for appropriate state conduct.[139] Thus, choices must be justified to others.[140]

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[129] Hall, Rodney, Bruce., 'Explaining 'Market Authority' and Liberal Stability: Toward a Sociological-Constructivist Synthesis,' *Global Society* vol.21 no.3, July 2007, p. 329.
[130] Hurd, Ian, 'Legitimacy and Authority in International Politics', *International Organization*, vol.53, no. 2,1999,p.388.
[131] Hall, 'Explaining 'Market Authority' and Liberal Stability: Toward a Sociological-Constructivist Synthesis', p.334.
[132] Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, p.74.
[133] March, J. G. and J.P. Olsen 1998. 'The institutional dynamics of international political orders', *International Organization*, 52, p. 943-969.
[134] Sen, Amartya, 'Rational Fools: A Critique of the Behavioral Foundations of Economic Theory', *Philosophy and Public Affairs*, vol.6, No.4 (Summer, 1977), p.342.
[135] Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, p.74.
[136] Amartya Sen makes a distinction between (i) sympathy and (ii) commitment. The former corresponds to a case in which the concern for others directly affects one's own welfare. However, if a particular case does not make one feel personally worse off, but one still wants to do something about, it is a case of commitment. In this sense, it is action based on commitment, which becomes non-egoistic defined in terms of a person choosing an act that is believed will yield a lower level of personal welfare than an alternative that is available to him.
[137] Sen, 'Rational Fools: A Critique of the Behavioral Foundations of Economic Theory',p.342.
[138] Brunnee, Jutta and Stephen J. Toope, *Legitimacy and Legality in International Law*, Cambridge University Press, 2010.p.58.
[139] Finnemore, Martha and Kathryn Sikkink, 'International Norm Dynamics and Political Change,' *International Organization*, Vol. 52, no. 4, (Autumn, 1998), p.903.

Drawing upon elements from Weber's theory of rational legal domination and the Habermasian idea of legitimation through justificatory discourse, Steffek argues that 'legitimacy of international governance hinges upon popular assent to the justifications of its goals, principles and procedures.'[141] Such a conception of legitimacy highlights the role of justifications suggesting that legitimation is a normative process.[142] Hurrell points in a similar direction by defining legitimacy as what people accept because of some normative understanding or process of persuasion, justification and reason-giving which are fundamental.[143] In other words, arguments that create legitimacy are normative in nature and provide 'reasons why a certain norm should be regarded as binding' and such legitimacy claims or statements 'are made in a generalized fashion so that they could invoke everybody's consent.'[144] Similarly, in explaining the use of force, Hurrell defines legitimacy 'as providing persuasive reasons as to why a course of action, rule, or a political order is right and appropriate'[145] making 'sober power of reason and good arguments'[146] important elements in the process of legitimation. Legitimacy is 'a quality that society ascribes to an actor's identity, interests, or practices, or to an institution's norms, rules, and principles'[147] and 'is quite literally meaningless outside of a particular historical context and outside of a particular set of linguistic conventions and justificatory structures.'[148] Below are some observations broadly acknowledged in the literature:

1.Legitimacy Claims: Generally, the term legitimacy is used in the context of the right to act in a particular context and in a more specific politico-legal sense it can refer to the right to rule/govern, which implies that there will be 'claims' to assert that 'right,' generally referred to as 'legitimacy claims.'

2. Social Perception and Recognition: As an inherently social concept, attribute or status, simply claims to legitimacy do not imply an attainment of legitimacy. Legitimacy is thus not only a 'right' to act/ rule/govern but also a social recognition of that 'right' by other actors. It

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[140] Jackson, Robert, H, *The Global Covenant: Human Conduct in a World of States*, Oxford University Press, Oxford, 2000 p.8.
[141] Steffek, Jens, 'The Legitimation of International Governance: A Discourse Approach', *European Journal of International Relations*, vol. 9, no.2, 2003, p.250.
[142] Ibid.
[143] Hurrell, Andrew, 'Legitimacy and the use of force: can the circle be squared?,' *Review of International Studies*, vol.31, 2005, p.16.
[144] Steffek, 'The Legitimation of International Governance: A Discourse Approach', p.250.
[145] Hurrell, 'Legitimacy and the use of force: can the circle be squared? ', p. 24.
[146] Steffek, 'The Legitimation of International Governance: A Discourse Approach', p.271.
[147] Reus-Smit, C., 'International Crises of Legitimacy,' *International Politics*, vol. 44, 2007, p.159.
[148] Hurrell, 'Legitimacy and the use of force: can the circle be squared? ', p.29.

goes beyond a mere capacity to act/rule/govern to the idea of being 'socially sanctioned' thus 'making it inextricably dependent upon social perception and recognition'[149] by a relevant audience. The term 'legitimate' does not imply 'actual goodness' or correctness of an act/rule but refers to the social perceptions of those rules/actions. A similar distinction is made between legality and legitimacy, where illegal actions might be judged as legitimate.

3.Distinction between legitimacy, the practice of legitimation and legitimacy claims: Actors seeking legitimacy for their actions/behavior make claims thus engaging in a process of legitimation. Apart 'from its grounding in consensus, the practice of legitimacy draws heavily on other norms such as legality, morality and constitutionality.'[150] These norms operate principally in the realm of legitimation and between the principles of legitimacy and the strategies of legitimation is the practice of legitimacy where the above 'norms are interpreted, developed, reconciled, transcribed and consensually mediated.[151]

4. Social Context: A social context implies that it is 'not static'[152] and means 'different things at different times.'[153] Legitimacy is understood not as 'a set of absolute principles'[154] but in the context of 'the norms of a specific cultural system at any given time.'[155] Therefore, 'legitimacy for the social scientist is always legitimacy-in-context.'[156] Clark speaks of an international society arguing that 'only within such a social setting can legitimacy have real resonance. For there to be principles and practices of legitimacy, there needs to be a community/society.'[157] Franck reaffirms, 'community must be present for legitimacy to have content.'[158] Similarly, Hurrell speaks of shared language to persuade and justify and through which claims to legitimacy can be articulated, addressed and received.[159] In constructivist terms 'action is social only insofar as its subjective meaning takes account of the behavior of others and is thereby oriented in its course.'[160]

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[149] Reus-Smit,'International Crises of Legitimacy', p.158-159.
[150] Clark, Ian, *Legitimacy in International Society*, Oxford University Press, Oxford, 2005, p.4.
[151] Ibid.
[152] Hall, Rodney, Bruce, *National Collective Identity: Social constructs and International Systems*, Columbia University Press, New York, 1999, p.41.
[153] Williams, J, *Legitimacy in International Relations and the rise and fall of Yugoslavia,* St Martin Press, New York, 1998. p.2-3.
[154] Clark, *Legitimacy in International Society,* p.3.
[155] Bukovansky, M., *Legitimacy and Power Politics*, Princeton: Princeton University Press, 2002, p.24.
[156] Beetham, David, *The Legitimation of Power*, Macmillan, Basingstoke, 1991, p.14.
[157] Clark, *Legitimacy in International Society*, p.5.
[158] Franck, Thomas, *Fairness in International law and Institutions*, Oxford University Press, Oxford, 1995, p.26.
[159] Hurrell, 'Legitimacy and the use of force: can the circle be squared? ', p.24.
[160] Hall, 'Explaining Market Authority and Liberal Stability: Toward a Sociological-Constructivist Synthesis,' p.330.

2.2 Bridging the Gap between "Norms and Strategy"

The above discussion draws the broad contours of the theoretical framework of constructivism within which legitimacy is approached. In this section, the discussion moves along a legitimacy spectrum to arrive at a point of osmosis that acknowledges a strategic context thus bridging the gap between norms and strategy. A commonality between logic of appropriateness and consequences is the observation that actions are affected 'by structuring expectations about what others will do, even if they model the sources of those expectations slightly differently.'[161] For rational-choice those expectations are shaped by what seems instrumentally viable to the other actor (s) and in the case of cultural approaches such as constructivism, they are primarily shaped by what should seem socially appropriate to the other actor (s).

However, a bourgeoning literature on legitimacy has sought to close the gap between a purely normative account and a strategic explanation. For example, emphasizing the inescapably political nature of legitimacy as grounded in compromise Hurrell stresses its role as a 'pragmatic meeting point between political effectiveness and the need for moral consensus.'[162] In studying the central role of power in explaining the use of force, he argues that there is a great deal of instrumentality in appeals to legitimacy suggesting that 'legitimacy can be seen as a strategic move in a political game and needs to be understood as much a part of the messy world of politics as of the idealized world of legal or moral debate.'[163] Recently, even within few constructivist accounts norms are not only described as something purely benign. In other words, a belief that norms are in place *only* for a 'good' purpose is no longer the only understanding. Several works point to 'enabling' and a 'strategic' role for norms. For example, Coleman in her work on peace keeping operations demonstrates how the presence of 'conditions of possibility'[164] for particular claims and their acknowledgement draws attention to the scope for strategic agency within a normative framework, allowing to envision an enabling rather than exclusively restrictive role for norms.[165]

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[161] Hall, A. Peter and Rosemary. C.R Taylor, 'Political Science and the Three New Institutionalisms', *Political Studies*, XLIV, 1996, p.955.
[162] Hurrell, Andrew, `There are No Rules (George W. Bush): International Order After September 11', *International Relations*, vol.16, 2002, p.202.
[163] Hurrell, 'Legitimacy and the use of force: can the circle be squared?', p.16.
[164] See Coleman, Katharina P. 'Token Troop Contributions to United Nations Peacekeeping Operations' in Alex J. Bellamy and Paul D. Williams (eds.) *Providing Peacekeepers: the Politics, Challenges, and Future of United Nations Peacekeeping Contributions*. (Oxford University Press, 2013)
[165] Ibid.

By highlighting that *not* all norms are primarily regulative, Ruggie discusses the role of constitutive rules in defining 'the set of practices that make up any particular consciously organized social activity – that is to say, they specify *what counts as* that activity.'[166] For example 'the rules of chess create the very possibility of playing chess'[167] arguing that constitutive rules create certain types of activities and in doing so enable actors to undertake those activities. Tannenwald's work on the nuclear taboo acknowledges an indirect but 'permissive' role of norms alongside a prohibitive and regulative role arguing 'even the limited use of nuclear weapons can set a precedent legitimizing their use for at least some conflict scenarios, and thus fatally disrupting the taboo.'[168] This view 'accepts that political argument may produce an international acceptance of a particular violation of existing norms as legitimate.'[169] In other words, 'the absence of universal embrace does not invalidate a norm's existence. Indeed the existence of those that are seen as "norm-violators" endows normative arguments with a refutable quality, protecting it from allegations of non-falsifiability or tautology.'[170] Therefore, argues Clark:

> Norms that feed into the claims to legitimation are mediated through politics and consensus. To ask whether a particular international action is legitimate is not a question of moral philosophy or jurisprudence. It is to ask a factual question about how it is regarded by the members of international society… When they enter the realm of the practice of legitimacy, these norms encounter a complex universe of politics, consensus, and power.[171]

Similarly, Hurd's work seeks to bridge the gap between 'legitimacy and strategic behavior' with a third kind of model of state behavior that he calls 'sneakiness' referring 'to behavior that is neither solely strategic (in the sense of being instrumental about rules and norms) nor solely normative (in the sense of having norms internalized

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[166] Ruggie, John Gerard, 'What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge,' *International Organization*, Vol. 52, No. 4, International Organization at Fifty: Exploration and Contestation in the Study of World Politics. (Autumn, 1998), p.871.
[167] Ibid.
[168] Tannenwald, Nina, 'Stigmatizing the Bomb: Origins of the Nuclear Taboo,' *International Security*, vol. 29, no. 4, Spring 2005, p.38.
[169] Coleman, Katherine, *International Organizations and Peace Enforcement: The Politics of International Legitimacy*, Cambridge: Cambridge University Press, 2007, p. 31-32
[170] Solingen, Etel, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East,* Princeton: Princeton University Press, 2007, p.34.
[171] Clark, *Legitimacy in International Society,* p.253-254.

into interests).'[172] He argues that 'a great deal of state behavior in world politics is of this type, at once 'norm-aware' yet goal-seeking. It is common for norms to be used as tools to advance interests while simultaneously being valued in themselves.[173] Hurd's sneakiness model brings constructivist and rationalist insights to studying state behavior that lies between perfect compliance and the complete setting aside of the rules and that 'involves the strategic use, misuse, and reinterpretation of norms.'[174] From such a perspective, strategic agency consists not only of the ability to escape the restrictions generated by prevailing norms but of 'recognising and making use of the opportunities they afford' and strategic action also 'consist of recognising and responding to such an opportunity.'[175] This understanding is employed by Coleman in explaining the 'significance of token forces' arguing that it enhances the international legitimacy of peace enforcement operations and that the very act of token forces 'is best understood as responding to the opportunities unintentionally created by the prevailing international norm that an international use of military force should be conducted multinationally.'[176] Legitimacy is thus understood as a motivation that shapes State behavior and states seek legitimacy not only because of its possible material consequences but 'because they value their standing in international society as an end in itself.' To this extent, Coleman's work bridges the gap between a 'logic of expected consequences' and a 'logic of appropriateness' by advancing a 'logic of social action' based on 'a notion of states as conscious members of an international society.'[177] With the understanding ' that the international system as a 'thin' society that is not entirely based on substantive normative consensus,'[178] Coleman argues that:

> States do not *only* care about occupying this space [normative] because it leads to greater resource mobilization. They also seek the legitimacy made possible by the existence of this space as an inherent good because they fundamentally care about their standing in the international society structured by these shared understandings. [179]

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[172] Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, p.3.
[173] Ibid.,p.2.
[174] Hurd, Ian, Working paper 26, 'States And Rules, Norms and Interests', prepared for project on Globalization and the National Security State (Cited with authors permission), 2008.
[175] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy.*
[176] See Coleman, 'Token Troop Contributions to United Nations Peacekeeping Operations,'
[177] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy*, p. 37.
[178] Ibid, p. 36.
[179] Ibid, p. 19.

Coleman's work acknowledges 'even if states disagree on the normative value of the content of prevailing rules, they value the society that these rules are both outgrowths of and help to order.'[180] In other words, there might not be a normative consensus yet there are certain 'rules of the game' that shape interaction. In this sense, her work goes beyond a process of internalization to argue that 'behavior is shaped by these rules not because good international citizenship has become an intrinsic part of their identity (a logic of appropriateness) but because they enjoy being seen as good club members.'[181] The point being that states want to be *seen* as 'good' and/or 'legitimate' that does not assume or coincide with a state's internal belief that acting in this particular way is good or that states have internalized the prevailing norms and rules. Therefore, states may pay lip service to rules/norms, yet these need not be reflected in their actions as the norms may not necessarily be internalized by the actor, yet pointing to a certain desire of states to be seen as legitimate.

However, recent works contend that such an account of actors making claims does not assume 'altering underlying preferences, or that successful outcomes require such change in others.' In other words, persuasion or genuine endorsement of claims by the international audience may be desirable in itself but is not necessary to achieve a desired outcome as 'actors may simply seek an acceptance' be it short term and 'use reasoned arguments to shift the political terrain.'[182] In this sense, a shortcoming of Coleman's work from a theoretical perspective is that it operates much more in a purely constructivist realm and less in the strategic context with an assumption that the international audience must be persuaded by an intervening state's action making an assessment of legitimacy exclusively dependant upon persuasion. Secondly, while her work highlights the process that generates legitimacy and how collective 'international judgments can be seen to reflect common understandings of the rules structuring international politics[183] it falls short of explaining the audience side i.e. how and why do other states in the international audience accept and/or align their individual perception on an intervening state's actions to the extent that it becomes a collective social perception. Arguably, there is a need to explain more on the audience side as states might recognize an intervening state's actions as acceptable for different reasons and not *only* because they are persuaded that the intervening state is acting or behaving in an appropriate way.

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[180] Ibid.,p.38.
[181] Ibid.
[182] Bower, 'Arguing with Law: Strategic Legal Argumentation, US Diplomacy and Debates over the International Criminal Court', p. 2.
[183] Ibid, p.32.

2.3 Three Issues and the Point of Osmosis

To move towards a middle position i.e. from a purely normative stance towards a strategic context requires understanding that 'India might be seen to be challenging but is still playing by the rules. This makes sense once we understand that the nuclear game is not a pure normative one with the cause of non-proliferation at its core, but one that is strategic and instrumental.'[184] However, a purely instrumental view that norms are only for the purpose of window-dressing, falls short of explaining, if norms serve no real purpose, then why do states even behave *'as if'* they care about norms when their actions can be explained and/or justified based on a materialist and/or security rationale? It also overlooks 'how' a process of assuagement happened and how other states shifted their initial stance towards a nuclear India to make nuclear reconciliation possible. The point of osmosis that brings closer a normative account to a strategic explanation is discussed in detail below that also discusses how and why legitimacy matters to an intervening state that makes certain legitimacy claims and to other states in the audience responding to those claims.

Issue One: Why Legitimacy Matters?

A good meeting point for the logic of appropriateness and consequences is Erik Voeten's model of explanation that combines a constructivist account of social perceptions and desirability for legitimacy with beliefs about favorable outcomes and perceived costs. The crux of Voeten's argument is that especially since the Persian Gulf War, states have behaved 'as if' a UNSC approval or mandate is important so as to confer legitimacy on the use of force and military interventions by the intervening state. He highlights the ability of the United Nations Security Council (UNSC) to legitimize the use of force. Further, the absence of the UNSC approval to legitimize the use of force may not prevent it altogether but certainly 'raises the costs of unilateral action.'[185] In other words, a UNSC approval or the need to acquire legitimacy for actions is held desirable by states, even if not imperative and it is this *desire* that calls for a further investigation. Voeten's work addresses this by asking the question 'if states do not really care about legitimacy, then why do they behave 'as if' they care?'

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[184] Author's Interview with Dr. Zia Mian, Director of the Project on Peace and Security in South Asia, at the Program on Science and Global Security, Princeton University, New Jersey 14th May 2012.
[185] Voeten, 'The Political Origins of the UN Security Council's Ability to Legitimize the Use of Force', p.533.

To answer this, Voeten begins with a rationalist explanation arguing that States would do so because of the significant costs associated with *not* doing so. However, the judgments about the associated costs is not based on independent judgments about the appropriateness of an intervention but on 'political reassurance about the consequences'[186] that draw on 'widely accepted political judgments' that inform the collective decisions of the UNSC. This account fits well with constructivism as it focuses on social perceptions and the social aspect of legitimacy yet it does not assume internalization of norms to explain stability or constancy of norms. In other words, actors maintain compliance with norms because it is in their interest to do so. In this sense, it fits well with a rationalist account as it lays emphasis on 'self-enforcing conventions and social norms' and suggests that over time it becomes in the 'self-interest of the all actors to abide by the cooperative norm and defend against violations of the norm.'[187]

Voeten's work goes beyond a purely rationalist logic and stresses the role of a 'perceived legitimacy' of the UNSC and the perceived legitimacy that it confers on state actions in the context of the use of force. This 'perceived legitimacy' is not based upon the perceived normative qualities of the UNSC but implies the social perceptions and beliefs of actors that acquiring the UNSC approval will confer legitimacy on their actions. Voeten's work relies on the role of the subjective beliefs of actors and the 'legitimacy perceptions'[188] and places state interactions in a strategic context in explaining state behavior and compliance in the context of 'the extent to which actors in international politics believe that norm compliance produces favorable outcomes.'[189] In answering what sustains these beliefs and why state actors believe that a UNSC mandate is desirable, Voeten employs the notion of an 'elite pact' explaining the UNSC as one such pact amongst a select set of actors that 'seeks to neutralize threats to stability by institutionalizing non-majoritarian mechanisms or conflict resolution.'[190] The higher goal remains stability, order and containing the superpower while preserving mutually beneficial cooperation.'[191]

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[186] Ibid., p.527.
[187] Ibid., p.529.
[188] Ibid., p.534;.
[189] Ibid., p. 529
[190] Ibid.
[191] Ibid., p.528.

In this case, the UNSC is seen to serve as the focal point and a social norm for 'equilibrium behavior' that 'authorizes and forbids discretionary use of force by states against states sustained by the belief 'of actors that violation of this social norm is costly, undesirable, or inappropriate.'[192] However, the elite pact, does not depend on generating a normative consensus and for a cooperative equilibrium to survive 'it is not necessary that each actor believe that the norm that sustains the equilibrium is morally appropriate, as long as most nonbelievers assume that other actors would react to violations.'[193] The theoretical framework for the thesis is this model premised on legitimacy perceptions and 'assurances about consequences' with an emphasis on 'social standing' and State's desire to be *seen* acting in a 'legitimate manner' and point of osmosis that combines a normative goal with mutually beneficial equilibrium and favorable outcomes. It acknowledges that while there may not be a normative consensus, yet there are certain rules of the game that shape outcomes and interactions and also shape the sorts of claims that can be made in order to pursue one's interests and objectives.

Issue Two: The Subject Matter and International Audience

The thesis identifies India's nuclear behavior and *possession* of nuclear weapons as the subject matter of international nuclear legitimacy judgments. The term 'nuclear legitimacy' in the context of a State -actor is relatively new and sparsely found in the broad literature. However, nuclear legitimacy as a concept is not to be conflated with 'legitimacy of nuclear weapons' or 'legitimacy of the non-proliferation regime.' Moreover, ascribing nuclear legitimacy to a State's actions or behavior and/or to its possession of nuclear weapons as will be defined in the next section, is a concept that goes beyond nuclear weapons. Further, nuclear legitimacy is a social concept inextricably linked to social perception making it equally pertinent to identify an appropriate international audience to whom legitimacy claims are being made. To highlight the variation in the responses, the selected states are categorized into three main groups, namely, 'supporters,' 'game-changers' and 'the opposers.' The first category of the "supporters" is the group of states that includes three of the five (P5) NPT- recognized nuclear weapons states, namely, the United Kingdom, France and Russia as P3. These are states that supported and endorsed India's arguments and actively pushed India's case at the NSG in 2008.

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[192] Ibid., p. 534.
[193] Ibid., p. 544.

The second category is that of the "passive supporters" also referred to as the "game-changers." This group includes Australia, Canada, Germany and Japan as key NSG players that are argued to have changed the game for India by deciding to 'not stand in the way' of India's arguments. In other words and arguably so, India's waiver passed through the NSG passage consensually, if not due to an outright endorsement, but surely a weak opposition from the game changers that were seen by the Indian government as NSG players that had the ability and clout to obstruct India's NSG exemption. Canada and Australia are also the largest uranium suppliers globally. Japan is the only country to have faced a nuclear attack and Germany as a strong voice in the NSG was also the NSG chair in 2008. A lack of a strong opposition from the game-changers not only made India's waiver possible but also in the case of Germany—as NSG chair in 2008— facilitated India's exemption. With the exception of Australia, the P3 and the game-changers are also three of the seven founding members of the London Group, a predecessor to the NSG. It was growing 'concerns that existing nuclear technology trade rules and the Nuclear Non-Proliferation Treaty (NPT) would not prevent proliferation'[194] that led to the creation of the Nuclear Suppliers Group (NSG) and India's nuclear explosion in 1974 'demonstrated that nuclear technology transferred for peaceful purposes, could be misused.'[195]Canada and Australia are 'both champions of non-proliferation, strong voices in the NSG and the biggest uranium suppliers globally.'[196] Further, all four of game changers, albeit covered under the U.S. nuclear umbrella, forego their own nuclear weapons option and ratified the NPT between 1968- 1975 soon after it was opened for signature. Finally, in the background of India's 1974 PNE and almost three decades of sanctions and embargos, all four game changers begin the process of normalizing nuclear relations with India by the year 2000 i.e. within two years of India's nuclear tests in 1998.

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[194] Hibbs, Mark and Toby Dalton, 'Nuclear Suppliers Group: Don't Rush New Membership,' *PROLIFERATION ANALYSIS* , June 14, 2012.

[195] See NSG hompeage at http://www.nuclearsuppliersgroup.org/A_test/01-eng/index.php

[196]Sasi, Anil, 'NSG support yes, but No Uranium,' *The Hindu Business Line*, Aug 21, 2008. Available at: http://www.thehindubusinessline.in/bline/2008/08/21/stories/2008082152690100.htm Kazakhstan is the largest uranium *producer* followed by Canada and Australia, but it does not have the same clout or say within the NSG as the latter two nuclear suppliers. As per the report by the World Nuclear Association Kazakhstan, Canada and Australia contribute 64 percent of the world's production of uranium from mines of which Kazakhstan alone produced 36.5% of world supply from mines (in 2012), followed by Canada (15%) and Australia (12%). Available at www.world-nuclear.org/info/Nuclear-Fuel-Cycle/Mining-of-Uranium/World-Uranium-Mining-Production/

The third category of states is the "main opposers" and this comprised of the hardliners on nuclear engagement with India. This group of states are clubbed together and referred to as the 'White Knights," a term that has been used to denote their 'long-established support and advocacy of nonproliferation and disarmament.'[197] As states 'who pride themselves as models of nonproliferation propriety,'[198] this group is collectively studied and includes the response of Norway, Austria, Ireland, the Netherlands, New Zealand and Switzerland. The White Knights criticized India's nuclear tests and India's accommodation into the regime, with concerns about the impact of these developments for the non-proliferation regime, particularly, the NPT. Austria and Ireland led the opposition and expressed outright discontent; collectively this group raised substantive questions on engaging with India. From an Indian perspective, the white knights were not the game-changers but were seen as states that needed to be convinced for a NSG consensus and were also deemed as the most difficult to convince due to their conservative stance on non-proliferation and stakes in the NPT. For example, Ireland had initially launched the NPT negotiations and as a first signatory had a normative stake in NPT. As NSG members they strongly opposed India-specific NSG exemptions in 2008 that was granted to India only after several rounds of negotiations to meet the 'substantive amendments' to the draft on civil nuclear cooperation adopted in 2008.

Issue Three: Definition and Operationalization of International Nuclear Legitimacy

The concept of nuclear legitimacy is found sparsely in scholarly papers. Of specific relevance is Gorman & Hamilton's account of rhetorical gestures such as the symbolic display of a state-sanctioned nuclear operator at his or her control panel, to signify competency and 'the incompetent gestures of the state-repudiated nuclear terrorist' that 'functions to symbolically create a construct of nuclear legitimacy in post-Cold War world. In defining nuclear legitimacy as an important 'political construct driving the war on terrorism,'[199] Gorman & Hamilton argue:

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[197] Bergenäs, Johan, 'The Rise of a white Knight state: Sweden's Non-Proliferation and Disarmanent History,' Nuclear Threat Initiative, Feb. 10, 2010, Available at http://www.nti.org/analysis/articles/swedens-nonproliferation-history/

[198] Porter, William 'Goodbye to Nuclear Exports,' *The Hindu*, September 9, 2008.

[199] O'Gorman & Hamilton, 'At the Interface: The Loaded Rhetorical Gestures of Nuclear Legitimacy and Illegitimacy,' p.43.

> The construct of nuclear legitimation, still strongly associated with the state, hinges on a construct of nuclear illegitimacy that feature, as its defining mark, the technological incompetence of the non-state or ''rogue-state'' actor.[200]

Gorman & Hamilton defines nuclear legitimacy and illegitimacy as co-constitutive. In explaining the discourse on nuclear legitimacy, they argue that in a post-Cold War era nuclear legitimacy for a nation- state hinges on following western modernity and processes that define who is seen as a competent player in the nuclear game. In their account, nuclear legitimacy is demonstrated and produced via rhetorical gestures such as that of 'state-sanctioned nuclear operator at his or her control panel' to imply competency, scientific and technical expertise and stability in comparison to the 'incompetent gestures of the state-repudiated nuclear terrorist'[201] portrayed by the "other" that is seen as the rogue actor. In such a scenario the problem of nuclear disorder is relegated to this 'Other' actor seen as 'rogue' defined not so much by the possession of the technical know-how or its absence thereof, but in terms of the perceptions of the relevant international audience. International perceptions that judge whether or not the intervening actor is *believed* and *seen* to be capable of handling nuclear weapons with the same 'nuclear rationality' that is expected of them by the audience. The notion of nuclear rationality in turn rests upon western notions of modernity and deterrence, restraint and stability. According to Gordon and Hamilton, this defines a competent player linking nuclear legitimacy to a certain technical competency and socio-political understanding that makes a 'strong rhetorical correlation between nuclear illegitimacy and incompetent instrumental control' arguing:

> The means by which Iran, Al Qaeda, and other rogue states or terror groups are rendered ''illegitimate'' vis-a`-vis nuclear weapons is by placing them on the margins of a purportedly universal modernity and in a place of retardation with respect to the ''natural'' homogenizing of all modern societies. They are, in other words, constructed as having a stubbornly incomplete status in relation to modernity.[202]

This approach falls within a broad constructivist framework in understanding the notion of a rogue state as a political construct by western powers to maintain a kind of 'nuclear hegemony.'[203] And nuclear legitimation 'depends on far more than mere access to nuclear weaponry and relies on belief in the integrity of the systems and actors

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[200] Ibid.
[201] Ibid., p.44.
[202] Ibid., p.61.
[203] Ibid., p.1.

that constitute the nuclear- weapons organization.' Following, Brian C. Taylor, the authors define nuclear – weapons organization as:

> Both the *actual* laboratories, materials-production facilities, assembly plants, and test sites of nuclear-weapons production, and the *discursive processes* through which raw materials, technology, and human labor are rationally 'managed' to accomplish this end.[204]

Nuclear legitimacy goes beyond the physical structure and material aspects to the discursive processes 'that manage public perceptions of nuclear weapons.' For example, the U.S. government sponsored films around the bomb that went beyond the dominant 'image of a mushroom cloud' to produce a '''humane science of the bomb''' thus 'reorienting judgment about the weapons by locating debate outside of moral and political questions and firmly within the realm of labor and expertise.'[205] The effectiveness of nuclear legitimation depended upon how 'filmmakers could persuade audiences that America could handle the problems of nuclear technology with seeming effortlessness metonymically showing the image of the skillful human operator before the complex machine interface.'[206] Another relevant work is of V. R. Raghavan titled 'India's Quest for Nuclear Legitimacy,' arguing how India has attained a substantial measure of de facto legitimacy. His work demonstrates the ways in which 'successive (Indian) governments have worked hard to obtain a measure of nuclear legitimacy for the country's possession of nuclear weapons.'[207] While Raghavan' work makes reference to India's legitimacy claims yet there is no theoretical framework to assess or define nuclear legitimacy as the kind employed by Gordon and Hamilton. Nor does Raghavan's work illustrate India's legitimacy claims and there is no framework to measure or assess the extent to which India acquired nuclear legitimacy. In explaining how India 'seeks legitimacy for its status as an emerging power with nuclear technology'[208] he refers to the responses of states towards India outside a theoretical framework for legitimacy and is more of a description of the positive responses towards India after 1998 and the need for other states to recognize this based on India's policy of nuclear 'restraint and responsibility.'[209]

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[204] Taylor, B. C., 'Nuclear pictures and Metapictures,' *American Literary History*, 9, 1997, p.572 (emphasis in original).
[205] O'Gorman & Hamilton, 'At the Interface: The Loaded Rhetorical Gestures of Nuclear Legitimacy and Illegitimacy,' p.51.
[206] Ibid.
[207] Raghavan, V. R. 'India's Quest for Nuclear Legitimacy', *Asia-Pacific Review,* Vol..13, No.1, 2006.
[208] Ibid., p. 66.
[209] Ibid., p. 67.

The aforesaid gaps are addressed in the thesis with a two-sided approach to the legitimation process that on one hand studies the legitimacy claims that were strategically made by the Indian government in the period that followed the 1998 nuclear tests in its attempts to assuage international apprehensions about India's possession of nuclear weapons. On the second hand, the thesis provides a systematic explanation of the international responses of selected states towards India's claims to explain how and why key actors in the international audience perceived and responded to India's claims in the manner that they did. Drawing upon Gormon and Hamilton's work on nuclear legitimacy, Voeten's legitimacy perceptions and Coleman's emphasis on states' desires to be seen as legitimate, international nuclear legitimacy is defined as a social quality ascribed to states and their actions. It includes the physical structure, material aspects but also discursive processes and rules of the game, that are normative and instrumental and that shape interactions and outcomes and the sorts of claims that can be made in order to pursue one's interests and objectives.

International nuclear legitimacy, as the definition in the introduction to the thesis describes, is understood as a social construct that is defined in relative term i.e. a state's actions are claimed and judged as appropriate or responsible relative to a notion of what is termed inappropriate or irresponsible. The concept of nuclear legitimacy emanates not only from the discourse on the use/non-use of nuclear weapons but goes beyond nuclear weapons themselves. Nuclear legitimacy claims go beyond the physical existence of nuclear weaponry and technology to include substantive notions of stability, competency and expertise of the nuclear establishment. The process of nuclear legitimation is understood in the context of the rules of the game that circumscribe the strategic interaction between states underlined by prevalent norms, shared values and beliefs that sustain 'equilibrium behavior'[210] in the nuclear order. In light of the above discussion, India's nuclear legitimacy claims are outlined along five legitimacy dimensions, discussed in detail in the following Chapters Three and Four—(I) Nature of Government, National security and Policy; (II) International Norms and Playing by the Rules; (II) Responsible Nuclear Behavior; (IV) Scientific Competency & Credibility of Nuclear Establishment; (V) A De-facto Recognition and Procedural Legitimacy.

[210]Voeten, 'The Political Origins of the UN Security Council's Ability to Legitimize the Use of Force',p.534.

PART ONE

INDIA'S LEGITIMATION STRATEGIES
[CLAIMS & ARGUMENTS]

CHAPTER THREE

India's Legitimacy Claims: Security, Polity & Substantive Compliance

3.1 India's Legitimation Strategies Post-Pokhran II

The period that followed India's nuclear tests of 1998 marked a new phase in India's nuclear policy as the Indian leadership moved away from the nuclear idealism and self-abstinence of the 40's and the 60's as well as the ambiguous and dualistic posture of 'keeping the option open'[211] post-Pokhran-I tests in 1974 and lasting through the late 80's. In 1998 India had tested its 'option' and 'put the world on notice that it was now-unambiguously, unapologetically and irrevocably-a nuclear weapon power.'[212] After 1998 nuclear tests, India's nuclear diplomacy and its quest for international nuclear legitimacy reached a high point. Even after declaring the tests as official nuclear weapons tests, Malik emphasizes how India was reluctant to fully adopt the nuclear posture of the five original nuclear powers, perhaps, an indication that nuclear weapons are not an end in themselves but a means to a goal.[213] One such goal, the thesis suggests is India's 'quest for international nuclear legitimacy' so much so that in the period that followed the 1998 tests, not only did India search for international nuclear legitimacy but also 'engaged in high-level negotiations and bargaining for the same.'[214] More recently, some scholarly work specifically discuss India's 'post-1998 posturing exercise' by means of 'projecting itself as a responsible state in adherence with the NPT's principles.' However, and admittedly so, the study falls short of explaining the rationale behind the new posturing, for India had still 'shown no intention to join the NPT nor advocated its restructuring.'[215]

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[211] See Ramesh Thakur, *The Nuclear Option in India's security Policy*, p. 42; Ashley Tellis, *India's Emerging Nuclear Posture Between Recessed Deterrent and Ready Arsenal*, p.12, George Perkovich, *India's Nuclear Bomb*.

[212] Talbott, 2004:5. Strobe Talbott was former Deputy Secretary of State, United States (1994–2001) and was the key negotiator from the U.S side involved in several rounds of discussion with his Indian counterpart, the then External Affairs Minister Mr. Jaswant Singh, in the period right after the 1998 Indian nuclear tests. Talbot's work is an account of the United States' diplomatic engagement with India on the nuclear front.

[213] Malik, Priyanjali, *India's Nuclear Debate: Exceptionalism and the Bomb,* Routledge, 2010:6.

[214] Mansingh, Lalit, 'The Indo-US Nuclear Deal in the Context of Indian Foreign Policy,' in P. R. Chari (edited) *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism,* Routledge India, 2009, p.183.

[215] Kumar, A Vinod, 'India and the Nuclear Non-Proliferation Regime: The Perennial Outlier,' Cambridge University Press, 2014, pp: 76.

The ruling government of 1998 led by the Bhartiya Janata Party (BJP) in a National Democratic Alliance (NDA) with other regional political parties took pride in asserting India's sovereignty in the nuclear realm as its senior leadership termed it an act of defiance of 'international nuclear apartheid.'[216] This was no surprise as the BJP talked about nuclear tests even in their political manifesto prior to elections. Yet, this tone of nationalism and self-assertion was immediately followed by a process of diplomatic dialogue and assuagement with states that in the eyes of the Indian government were seen as the key players in the international non-proliferation agenda that had also put in place a three decade long ban on nuclear commerce with the world's largest democracy. The Indian government engaged in 'confidence building measures' to explain why India did what it did in attempts to 'seek recognition for its nuclear legitimacy' claims.[217] The Indian leadership matched its unapologetic attitude with security-based, materialist and normative reasoning in efforts to assuage international apprehensions about India's possession of nuclear weapons.

The act of defiance in 1998 was supplemented with a strategic dialogue and normative arguments employed by the Indian government to fulfill dual but contradictory objectives. The first being the need to establish that India has the 'capability and will of a nuclear power' and the second being the need to lay 'the foundations for its eventual acceptance into the nuclear order.'[218] In this sense, a thought process on the Indian side was dominated by a belief that despite the nuclear tests 'India must try and win over the international audience, particularly those big boys at the high table who seemed to control the non-proliferation order, the economic and security front. In this sense India was certainly anxious to get the world to understand what it was doing and why.'[219] Soon after the tests, the priority of the Indian government 'was to redress India's international isolation'[220] before anything else whether instability with Pakistan, its impact on the region vis-à-vis China and/or other domestic apprehensions. Overall, the Indian government sought to explain to the international community that India had tested because it was left with no option given India's geo-political context.

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[216] Singh, Jaswant, 'Nuclear Apartheid', *Foreign Affairs*, vol.77, no.5,1998, p: 48.
[217] Raghavan, 'India's Quest for Nuclear Legitimacy', p.63.
[218] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power', p.2.
[219] Author's Interview with Mr. B. G. Verghese, Senior Journalist. Information Adviser to the former Prime Minister late Mrs.Indira Gandhi (1966-69), former Editor of The Hindustan Times, Currently Visiting Professor, Centre for Policy and Research, (CPR) New Delhi, 16th October 2012.
[220] Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation*, p.435.

A process of assuagement and redress on the Indian side was thus operationalized by employing different kinds of claims that involved, for example, justifying and explaining the reasons behind the nuclear tests and the need for India to possess nuclear weapons with reference to a security threat from Pakistan and China, two nuclear neighbors in nuclear collaboration. The Indian government thus argued that India was left with 'no option but to go for overt nuclear weaponization'[221] and it was further emphasized that this was done only reluctantly. The point, as Jaswant Singh elaborated in his interview was 'to engage the rest of the international community to explain India's tests. As External Affairs minister after 1998 tests,' recalled Jaswant Singh, 'I remember what Madeleine Albright said to me, " Jaswant, you think you will enter with a bang." I explained to her like I did to other countries as well, India's intention was not to make noise and be seen as a transgressor. We only wanted to assert what India's rightful position is and India's *right to act* in the world as it ought to.'[222] In doing so, the Indian government made subsequent claims to differentiate itself from the other nuclear outlaws, primarily Pakistan, but also Iran.

Another significant strategy was to link India's policy of self-restraint and self-abstinence to arguments of responsible nuclear behavior, as the Indian government argued that it was a 'responsible nuclear state' that exercised nuclear restraint and was in 'substantive compliance' with the NPT. Similarly, India sought 'nuclear legitimacy through its record on non-proliferation of nuclear technology, its democratic political system and firm civilian control of strategic assets.'[223] Yet, there was an expressed desire on the Indian side to be seen as playing by the rules as Indian officials sought to convince and/or persuade other states that India was in alignment with the rules of the game. This Chapter draws upon the wider literature on India's nuclear policy and behavior and the conducted elite interviews to outline India's legitimation strategies and claims that are uncovered and discussed along the different legitimacy dimensions outlined in previous Chapters namely, (I) Nature of Government, Sovereignty and Nuclear Policy; (II) Substantive Compliance and Playing by the Rules; (III) Responsible Nuclear Behavior: Restraint and Relative; (IV) Scientific Competency and Credibility of Nuclear Establishment; (V) De-facto Recognition and Procedural Legitimacy.

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[221] Singh, 'Nuclear Apartheid', p. 44.
[222] Author's interview with Mr. Jaswant Singh, Former Minister External Affairs Ministry, (1998-2004) Former Defence Minister (2000-2001) at New Delhi, 18th August'2012.
[223] Raghavan, 'India's Quest for Nuclear Legitimacy', p. 63.

3.2 Nature of Government and Nuclear Policy

In the immediate aftermath of the nuclear tests of 1998 Indian government explained the reasons for the tests and also outlined a draft nuclear doctrine and policy. The notion of national security, sovereignty, democracy, energy and development came to constitute the initial set of claims, to assuage international apprehensions around India's nuclear capability and the direction of its nuclear policy, discussed below, in turn.

Nuclear Security and Sovereignty

The first set of official statements by the Indian government justified the tests referring to national security concerns as the main reason behind India's tests. In explaining the rationale of the tests India's Prime-Minister A. B. Vajpayee wrote a letter to former U.S. President Bill Clinton, on the same day of the tests, explaining China as the reason for India's tests. The letter cited the 'deteriorating security environment' surrounding India and blatantly referred to China as 'an overt nuclear-weapon state on our borders ... a state which committed armed aggression against India in 1962.'[224] The Indian government argued that the regional environment in which India found itself had necessitated the tests leaving the government with no option but to test so as 'to provide reassurance to the people of India that their national security interests are paramount.'[225] The thrust of India's efforts, explained Ambassador Sharma, 'were directed towards explaining to the international community of states that India had gate crashed but it did so reluctantly, if it was not for the arch of clandestine proliferation around India that posed a national security threat to India.'[226] In this way, national security concerns were strategically embedded in arguments of perceived threats from Pakistan and China, constituted the government's primary reasoning behind India's tests and need to acquire nuclear weapons.[227] Referring to a threat from China and Pakistan, argued Ambassador Mansingh, enabled the Indian government to justify 'that India owed it to its people to protect them if threatened by other nuclear states.'[228]

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[224] Chengappa Raj and Manoj Joshi, 'Hawkish India,' *India Today*, June 1998.
[225] Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation*, p.417.
[226] Author's Interview with Ambassador Sheel Kant Sharma, former Ambassador to Austria and Permanent Representative of India to all international organizations, Vienna (2004-2008), Former Joint Secretary, Disarmament and International Security Division, Ministry of External Affairs (2000-2003); Ninth Secretary General of SAARC, (2008-2011), New Delhi, 3rd August 2012.
[227] Ganguly, Sumit, 'India's pathway to Pokhran II: The Prospects and Sources of New Delhi's Nuclear weapons Program,' *International Security*, vol.23, 1999.
[228] Author's interview with Ambassador. Lalit Mansingh, Indian Ambassador to United States (2001-2004) and Former Indian Foreign Secretary (1999-2000), New Delhi, 18th September 2012.

As the Indian Prime- Minister dispatched emissaries to 'assess and reaffirm bilateral relations with key states,'[229] the external affairs minister and a foremost emissary echoed national security concerns arguing, 'India's motive remains security, not, as some have speciously charged, domestic politics. Had the tests been motivated simply by electoral exigencies,' the Minister explained, 'there would have been no need to test the range of technologies and yields demonstrated in May.'[230] India thus claimed, as the Military Advisor to the Prime Minister, Lt. General Menon explained 'how India was a reluctant nuclear power. We argued that India was not seeking nuclear weapons even in the traditional sense of security, in fact, it is when India's security itself was threatened by nuclear weapons in the region and there was sufficient proof of China and Pakistan's clandestine nuclear collaboration and Pakistan's illicit transfers to North Korea and Iran, the argument became all the more relevant.'[231]

Lieutenant General Menon elaborated that the government justified that 'India's vulnerability due to the nuclear threat in the region was the central driver to acquire nuclear weapons. It was claimed that a threat to India's national security led India to assert its sovereignty with the tests,' as he went on to explain 'for India these weapons remained political weapons and we did not believe in tactical weapons unlike for example, Pakistan.'[232] The Indian government's claims thus drew upon 'the legitimate right of self-defense of every country as enshrined in the UN charter because,' Commodore Bhaskar argued 'countries acting in a certain way to protect their national interest was seen as a widely accepted belief,'[233] and as Ambassador Mansingh affirmed 'this then came to constitute a justification on the Indian side.'[234] On the Indian side, this logic of national security and self-defense served as an important source for India's claims and in the words of Lt. General Menon 'theoretically speaking, even if the global community did not recognize India's weapons we were still going to maintain some degree of legitimacy because it was based on every nations right to self-defense and national security.'[235]

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[229] Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation*, p.435.
[230] Singh, 'Nuclear Apartheid', p.49.
[231] Author's interview with Lt. Gen. (Retd) Prakash Menon, Military Advisor, National Security Council Secretariat, Secretary to Government of India, New Delhi, 16th October, 2012.
[232] Ibid.
[233] Author's interview with Commodore Uday Bhaskar, Director of National Maritime Foundation, senior columnist and Editor; officiating director of the Institute for Defense Studies and Analyses, New Delhi, 28th December 2012.
[234] Author's Interview with Ambassador Lalit Mansingh, 18th September, 2012, New Delhi.
[235] Author's interview with Lt. Gen. (Retd) Prakash Menon, Military Advisor, National Security Council Secretariat, Secretary to Government of India, New Delhi, 16th October, 2012.

Further, the claims to national security were strategically linked to the notion of sovereignty that also came to be 'defined through the nuclear lens.'[236] In other words, the notion of sovereignty was invoked, as India's sovereign right to possess nuclear weapons for self-defense and in the name of its national security. In offering an insightful account of the public debate on India's nuclear policy amongst urban upper and middle class Indians, Malik explains India's argument of sovereignty in the context of a domestic audience. In the backdrop of India's rejection of the CTBT, she suggests that India's sovereignty was 'invoked intermittently whenever external non-proliferation pressure was brought to bear on New-Delhi.'[237] Malik argues that the government sought to explain its actions and policy to this small group of people, whom she calls the "attentive public" that took keen interest in defense and foreign policy issues and whose opinion mattered even to the extent of influencing policy decisions. In outlining the general use of the 'rhetoric of sovereignty' in the period that followed the 1998 tests she explains how the Indian government justified its tests both to its domestic and international audience arguing that it was India's sovereign right 'to decide for itself how it would address its security requirements.'[238] In a similar context, Abraham takes note of how the Indian government justified its nuclear tests and backed India's refusal to sign the NPT by drawing upon 'the foundational notion of sovereignty,' which simultaneously reaffirmed India's 'acceptance of the dominant norms of international relations.'[239]

By referring to 'the Sino-Pakistani nuclear weapons collaboration', the Indian officials also explained that the only option before India was 'overt weaponization.'[240] Moving closer to 1998 and especially after having conducted the tests, the argument of Chinese support to Pakistan was aggressively and consistently employed by the Indian government.[241] In India's attempts to convince other states in the international community that 'China was violating treaty norms by transferring nuclear technology to Pakistan,' Ambassador Chandra as the Indian Ambassador to

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[236] Malik, *India's Nuclear Debate: Exceptionalism and the Bomb,* p. 174.
[237] Ibid., p. 270.
[238] Ibid., p.245.
[239] Abraham, Itty, *The Making of the Indian Nuclear Bomb*, Hyderabad: Orient Longman, 1998, p.141.
[240] Singh, 'Nuclear Apartheid', p. 44.
[241] The Indian authorities referred to the Chinese test in May 1983 that was witnessed by Pakistan Foreign Minister Yakub Khan that gave rise to speculation that a Pakistani-assembled device was detonated in this test and China's clandestine transfers to Pakistan that allegedly included the blueprints for the CHIC-4 design using highly enriched uranium first tested by China in 1966. As mentioned in a report by Federation of American Scientists (FAS) on Pakistan titled "Pakistan Nuclear weapons" available at www.fas.org/nuke/guide/pakistan/nuke/index.html

the Unites States during this period explained 'after 1998, the Indian government was able point a finger back at the United States and other countries that all along they had ignored this and failed to check the clandestine transfer of technology in the Sino-Pak nuclear collaboration.'[242] Similarly, Bidwai and Vanaik argue that 'to assert the importance of China in the Indian strategic calculus' seemed to 'provide an ostensible reason for India to acquire nuclear weapons'[243] despite the fact that China was far ahead of India in the nuclear game that implied that India's nuclear arsenal was nowhere in comparison to that of China and it would be a long time until India even caught up.[244] In this way, and initially, national security concerns in the form of perceived threats form Pakistan and China were explained as the primary motivation behind India's acquisition of nuclear weapons.[245]

The Indian government relied on arguments based on national security concerns vis-à-vis China and Pakistan strategically linked to the rhetoric of sovereignty and India's sovereign right to self-defense so as to justify India's possession of nuclear weapons and the Indian nuclear tests of 1998. Theoretically, this set of arguments fall within the purview of a neo-realist explanation that underlines a zero-sum view of power premised on a belief that absence of a central authority induces international anarchy thus forcing states to survive via self-help. Such a view would uphold state security/insecurity as the primary motivation behind acquiring and justifying nuclear weapons thus tracing nuclear decisions to balance of power and security dilemmas.[246] This set of claims fall squarely under a security model that argues, 'proliferation begets proliferation'[247] that suggests that 'any state that seeks to maintain its national security must balance against any rival state that develops nuclear weapons by gaining access to a nuclear deterrent itself.'[248]

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[242] Author's interview with Ambassador Naresh Chandra, Former Cabinet Secretary (1990–92), Former Indian Ambassador to the United States (1996–2001) and the current Chairman of National Security Advisory Board on 4th January, 2013, New Delhi.

[243] Abraham, *The Making of the Indian Nuclear Bomb,* p. 2.

[244] Bidwai, Praful and Achin Vanaik, *Testing Times. The Global Stake in a Nuclear Test Ban*, (Dag Hammerskjöld Foundation: Uppsala, 1996, p. 59-68

[245] Ganguly, India's pathway to Pokhran II: The Prospects and Sources of New Delhi's Nuclear weapons Program,' Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation.*

[246] See Waltz, Kenneth, 'The Spread of Nuclear Weapons: More May Better,' *Adelphi Papers*, Number 171 (London: International Institute for Strategic Studies, 1981; Mearsheimer, John, 'Why We Will Soon Miss The Cold War', *The Atlantic Monthly*, August 1990; Volume 266, No. 2; pp: 35-50.

[247] Shultz, P. George, 'Preventing the proliferation of nuclear weapons,' U.S. Department of State, Bureau of Public Affairs, Office of Public Communication, Editorial Division, 1984, p:18.

[248] Sagan, Scott. D. 'Why do states Build Nuclear Weapons? Three Models in Search of a Bomb,' *International Security,* vol.21, no.3, 1996-97, pp.57.

Democracy

The next set of claims in the Indian government's attempts to assuage international apprehensions of India's possession of nuclear weapons after 1998 was a strategic employment of an emphasis on India's democratic form of government, especially post-2001 and in the backdrop of the 9/11 terror attacks in the United States. The Indian Ambassador to the U.S. during 1996-2001 explained that 'things changed for India particularly with the interest and admiration for India's democracy and with the growing emphasis by the U.S. and its allies on democracy as a value during this period.'[249] In a similar context, Raghavan explains that as India begin to reposition itself at the end of the Cold War, a primary objective of the 'strategic positioning was to build a partnership with major powers based on shared values and national principles' identifying 'democratic convictions' as one such 'guiding determinants of new relationships.'[250] In this sense, India's democratic form of government and its transparency were strategically employed by the Indian government in its attempts to alleviate international apprehensions about India's possession of nuclear weapons. It was thus argued, as senior journalist B.G. Verghese explained that 'India's democracy, economy and growth made it a standing example of a country which had been shunned, despite all these good things.'[251] Similarly, former MEA Joint Secretary and the Indian Ambassador to Austria and Permanent Representative to all international organizations in Vienna during 2004 - 2008 explained the negotiation process prior to India's NSG waiver and the claims that India made to position itself taking note that:

> India's democracy, transparency and other related notions were an important set of arguments that were employed to present a case for why India should be granted the NSG waiver in 2008, as a state that now possessed nuclear weapons despite its non-NPT status.[252]

Moreover, the strategy behind why this kind of claims on India's part were made depended on whom the claims were being made to as 'there were a whole set of arguments and each of them had considerable weight as it appealed to different echelons

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[249] Author's interview with Ambassador Naresh Chandra, 4th January, 2013, New Delhi.
[250] Raghavan, India's Quest for Nuclear Legitimacy', p.63.
[251] Author's Interview with Mr. B. G. Verghese, 16th October 2012, New Delhi.
[252] Author's Interview with Dr. Bala Venkatesh Verma, Joint Secretary, Disarmament and International Security Division, Indian Ministry of External Affairs, 17th August, 2012, New Delhi.

of the government of these other countries.'[253] In this sense, as Ambassador Sharma reiterated 'India's democracy and its transparency was important because it was widely believed that a transparent India would not spring a surprise as its actions would be expected to be consistent with the declared policy and manifesto.' The diplomat went on to explain, 'it behooves us to make an argument that appealed to all the key states majority of whom were democracies and valued another democracy.'[254] Sasikumar in her work explains how international norms served as important "resources" for Indian authorities in constructing a certain image of a "responsible nuclear power" and in doing she also takes note of the rhetoric of the world's largest democracy as an important strategy and how the 'Indian elites have played up this fact.'[255] In explaining the crucial role of democracy in legitimizing one's nuclear arsenal, she argues that the 'frequent reference to- and denunciations of- the autocratic regimes in Iran and North Korea when their nuclear programs are in question' enabled India's democratic form of government to serve as an important foundation for the government's legitimacy claims and was thus 'strategically deployed'[256] by the Indian government.

In this way, India's democratic polity, as senior Indian nuclear scientist K. Santhanam pointed out 'was certainly a factor for India as it was argued to make other countries realize that there was more visibility to our nuclear program especially when compared to Pakistan whose program and policy was controlled and dictated by the army.'[257] A democratic form of government was deployed as an argument for it implied civilian control of nuclear weapons that was considered both desirable and efficient for its 'sufficient legitimacy, information and support for its authority to be meaningful.'[258] By invoking the notion of democracy, Ambassador Chandra explained how the Indian government made the 'claim that India had a stable democratic government, civilian control of its nuclear weapons and facilities and was capable of protecting its nuclear assets and of possessing such nuclear weapons.'[259]

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[253] Similarly, Nina Rathbun's work highlights how different states appeal to different pillars of the NPT that makes cooperation possible. Her work focuses on legitimacy claims of institutions such proposing ways to strengthen and reinforce the regime and the legitimacy of its institutions.

[254] Author's interview with Ambassador Sheelkant Sharma, 3rd August 2012, New Delhi.

[255] Sasikumar, India's Emergence as a "Responsible" Nuclear Power,' p. 833.

[256] Ibid.

[257] Author's interview with Indian Nuclear Scientist K. Santhanam, 5th November, 2012, New Delhi.

[258] Slocombe, W.B. 'Democratic Civilian Control of Nuclear Weapons', Policy Paper No.12, Geneva Centre for the Democratic Control of Armed Forces(DCAF), 2006. W.B Slocombe was former Undersecretary of Defense for Policy United States (1994–2001).

[259] Author's Interview with Ambassador Naresh Chandra, 4th January, 2013, New Delhi.

The attempts made by the Indian leadership in the aftermath of the tests also involved drawing the boundary of its somewhat fuzzy nuclear policy. From this attempt emerged a set of legitimation strategies and claims that included a description of India's nuclear posture and of laying down the key principles of India's nuclear policy embodied in India's nuclear doctrine that was first of its kind and was officially published in 2003. The Indian government, Ambassador Sharma explained made references to its nuclear doctrine premised on 'the transparency of its nuclear program, civilian control, a no-first use policy, voluntary moratorium on testing and policy of minimum deterrence to somewhat convince the international community of states that India knew what it was doing and to alleviate international anger against the tests.'[260] Sullivan explains 'how the world warmed up to a nuclear India' after the 1998 tests and refers to the claims that India made, such as that of peaceful intentions and of being a reliable nuclear player by referring to its nuclear doctrine that was based on a voluntarily abstinence from further nuclear testing, a credible minimum nuclear deterrent and a no-first use policy,[261] that facilitated the process of assuagement.

Similarly, in explaining India's nuclear strategy, Rajagopalan discusses how characterizing India's doctrine as "credible minimum deterrence" had certain political value 'because it invokes the idea of India's limited goals and responsible attitude,' which 'is what New Delhi would have liked to project to the world.'[262] A no-first use pledge by India in the aftermath of the tests was also very much a political rather than a military strategy as Dr. Kakodkar explained 'so as to show the world that India was capable of handling nuclear weapons as deterrents.'[263] India's claims also drew upon the widely shared notion of deterrence in the nuclear realm as a preventive strategy that 'aims to establish in the adversary's mind a certain perception of one's capability and intentions - fundamentally an inter-subjective understanding.'[264] The Indian government's claims thus sought to both question and convince the international community of states that 'if nuclear deterrence worked in the west why won't it work in India?'[265]

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[260] Author's Interview with Ambassador Sheel Kant Sharma, 3rd August, 2012, New Delhi.
[261] Sullivan, Kate, H,, 'How the World warmed to a Nuclear India', *Inside Story*, 3 May,2012a.
[262] Rajagopalan, Rajesh, 'India: The Logic of Assured Retaliation' in The Long Shadow', in Muthiah Alagappa (ed.)*Nuclear Weapons and Security in 21st Century Asia, Stanford University Press, 2008, p.*197.
[263] Author's Interview with Dr. Anil Kakodkar, Chairman, Atomic Energy Commission (AEC), Secretary to the Government of India, Director, Department of Atomic Energy (DAE). New Delhi, 10th November 2012. Dr. Kakodkar was part of the main team involved in the 1998 nuclear tests.
[264] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power', p.828.
[265] Singh, 'Nuclear Apartheid', p.43.

In the background of a 'nuclear energy renaissance'[266] especially after 2004 and up to the NSG waiver in 2008 the Indian government drew upon a prevalent and renewed interest in nuclear energy, both domestically and internationally. During this period, nuclear energy was reinstated as a central component of India's energy policy going forward, a period that witnessed a shift in focus from 'security over energy' to 'energy over security.'[267] The claims during this period and prior to the NSG waiver to make a convincing case for India- specific exemptions were strategically embedded in arguments of nuclear energy and development needs. Sasikumar argues that 'the rhetoric of industrial development' was strategically used 'to garner support for the nuclear program in India.'[268]

Such arguments justifying India's civilian nuclear program despite India's possession of nuclear weapons and non-NPT status, Ambassador Ghose argued 'were strategically grounded in claims based on nuclear energy and development.'[269] Ambassador Sheel Kant Sharma who was involved in the negotiation process explained, 'India's energy needs and development process appealed to countries in the NSG who were in the business of controlling this and India also relied on arguments around the energy needs for making a compelling case before the NSG.'[270] As someone who was present in Vienna as part of the negotiations, he explained that the strategic employment of the rhetoric of nuclear energy and sustainable development and even the language to be used in this context came from the former Director General of the IAEA Mohamed ElBaradei who was 'so involved in the entire process to the extent of handing over exactly what India should say to the IAEA and what language should be used before the NSG.'[271] The way the Indian government embedded their arguments in the rhetoric of 'a billion people and sustainable development' enabled Indian officials to 'invariably bring nuclear energy to the forefront in the eyes of the key NSG players thus mainstreaming India's case for nuclear commerce as a logical step along with the fact that India was willing to confirm to NSG requirements.'[272] Similarly, Sasikumar explains how the Indian government played 'the energy and development card'[273] strategically linked to India's need for clean energy.

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[266] Holton, W. Conrad, 'Power Surge: Renewed Interest in Nuclear Energy', *Environment Health Perspectives*, 113,11, November 2005, A742-A749.
[267] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power', p.830.
[268] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power', p.832.
[269] Author's Interview with Ambassador Arundhati Ghose. India's Representative to the CTBT in 1996, Member of UN Secretary General's Disarmament Advisory Board New Delhi, 28th July, 2012.
[270] Author's Interview with Ambassador SheelKant Sharma, 3rd August, 2012, New Delhi.
[271] Ibid.
[272] Ibid.
[273] Sasikumar, India's Emergence as a "Responsible" Nuclear Power', p.832.

As the Indian Prime- Minister's speech to the parliament justified the Indo-US civilian nuclear agreement it was also made on the basis of the need:

> To overcome the growing energy deficit confronts that us. As India strives to raise its annual GDP growth rate from the present 7-8% to over 10%, the energy deficit will only worsen. While we have substantial reserves of coal, excessive dependence on coal-based energy has its own implications for our environment. Nuclear technology provides a plentiful and non-polluting source of power to meet our energy needs. [274]

As part of India's arguments 'to convince other states that giving a carve out for India in the existing nuclear regime is worthwhile,' Ambassador Saran, the Prime Minister's Special Envoy for Nuclear Affairs and Climate Change explained:

> 'We developed our argument on a strategic convergence with India's need for development, its energy challenge and the impact this would have for the climate challenge. For example we argued like China, India is also a continental sized economy growing at a certain rate and this implies that the demand for energy resources is going to be unprecedented. And so we argued that this factor would not only impact India's economic prospects but will have implications for the global economy and climate. So it was about arriving at a commonalty of interests arguing that the energy security argument should also be sensitive to ecological concerns that emanate from fossil use.'[275]

India's strategy thus comprised of arguments based on security threat, nuclear doctrine, energy policy, development and democracy as the Indian leadership strived to achieve a diplomatic overhaul in the nuclear context. Perkovich argues that domestic politics was a dominant factor driving India's nuclear weapon program highlighting the symbolic importance of nuclear weapons given India's status as a developing postcolonial state, the politicians' manipulation of the nuclear program to garner support and the role of the "strategic enclave" in driving Indian nuclear aspirations.[276] The Indian government strategically made arguments drawing upon the notions of sovereignty, India's robust and stable democracy all of which lent a certain degree of transparency and civilian control of its India's nuclear weapon program and were perceived to be acceptable by other states.

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[274] Suo motu statement made by former Indian Prime-Minister Manhoman Singh in Parliament on February 27, 2006,on Civil Nuclear Energy Cooperation with the United States. Full text available at http://pmindia.nic.in/pmsinparliament.php?nodeid=30

[275] Author's interview with Ambassador Shyam Saran, Former foreign Secretary of India (2004-2006), Prime Minister's Special Envoy for Indo-US civil nuclear issues and currently member of the National Security Advisory Board, New Delhi, 10th August, 2012.

[276] Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation*, p. 6-7.

3.3 Substantive Compliance and Playing by the Rules

This set of arguments made by the Indian government after its nuclear tests in 1998 emanated from the principles enshrined in the NPT and norms that served as the foundation upon which the legitimacy of the nuclear order was built. Norms such as 'the adoption of norm of non-proliferation; the sharing of peaceful civil technology; the nuclear powers' tacit commitment not to resort to preventive war and their increasingly formal commitment (through 'negative security assurances) not to use nuclear weapons against NNWS.'[277] Perkovich argues that in the Indian context, security considerations have made little impact on nuclear policy suggesting that 'India's development of nuclear weapons capability only vaguely responded to an ill-defined security threat'[278] and it was 'moral and political norms' that have been 'more significant in determining India's nuclear policy.'[279] This second dimension will discuss how the Indian government strategically employed international norms in making its claims of being in substantive compliance with the NPT despite being a non-signatory to the Treaty. India also made claims of playing by the rules, which are seen beyond a purely normative prohibition to include the notion of deterrence and non-use so as to justify India's possession of nuclear weapons after 1998.

Substantive Compliance with NPT

India's claims to substantive compliance with key principles of the NPT emerges as one the dominant arguments and confidence-building measures employed at the highest level by senior officials in the Indian government. By drawing upon the very principles of the NPT, a Treaty that lay at the core of the nuclear non-proliferation regime, the Indian government claimed that despite the 1998 nuclear tests and its first PNE in 1974, India had by and large behaved in 'substantive compliance' with the key provisions of the NPT. A statement by External Affairs Minister Jaswant Singh in the Indian Parliament soon after the tests captures the origins of this argument as he explained that India's policies were 'consistent with the key provisions of the NPT that apply to nuclear weapon states, in particular Articles I (no weapons transfers or weapons-related assistance); Article III (safeguards on exports); and Article VI (negotiations on nuclear disarmament).

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[277] Walker, Williams, 'Weapons of Mass Destruction and International Order', *Adelphi Papers 370*, London: International Institute for Strategic Studies, December 10,2004, p.27.
[278] Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation,* p.6.
[279] Ibid.

Ambassador T. P. Sreenivasan explained how the usage of the term non-proliferation instead of disarmament was itself debated by the leadership domestically, 'as non-proliferation was an anathema in Indian politics and so Jaswant Singh's references were carefully discussed. We realized for us to convince the international audience and the non-proliferation community we must claim compliance with the non-proliferation principles of the NPT along with our emphasis on disarmament to demonstrate our commitment.'[280] The Suo Moto statement made in parliament by the External Affairs Minister during the 2000 NPT Review Conference reflects this:

> India is a nuclear-weapon state. Though not a party to the NPT, India's policies have been consistent with the key provisions of NPT that apply to nuclear-weapon states. These provisions are contained in Articles I, III and VI. Article I obliges a nuclear-weapon state not to transfer nuclear weapons to any other country or assist any other country to acquire them and India's record on non-proliferation has been impeccable. Article III requires a party to the treaty to provide nuclear materials and related equipment to any other country only under safeguards; India's exports of such materials have always been under safeguards. Article VI commits the parties to pursue negotiations to bring about eventual global nuclear disarmament. It needs to be emphasized that India today is the only nuclear-weapon state that remains committed to commencing negotiations for a Nuclear Weapons Convention in order to bring about a nuclear-weapons-free world, the very objective envisaged in Article VI of the NPT.[281]

The claims of 'adhering to certain norms, most importantly controlling exports of sensitive materials and technology'[282] as laid out in Article III of the NPT was believed to resonate with the non-proliferation community in light of the revelations of the 'nuclear walmart' operating under Pakistan's nuclear scientists A. Q Khan. In continued attempts to achieve 'a steady improvement in the Indian position in the global nuclear order' the Indian government drew upon 'India's track record of substantive compliance with non-proliferation principles and goals.'[283]

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[280] Author's Interview with Ambassador T.P. Sreenivasan, Former Ambassador and Member of NSAB; former Permanent Representative of India to the United Nations, Vienna and Governor for India of the International Atomic Energy Agency, New Delhi, 20th December 2012.

[281] Suo Moto Statement to the Parliament by the External Affairs Minister Jaswant Singh at the NPT Review Conference, May 9, 2000. Available at http://www.acronym.org.uk/dd/dd46/46india.htm.

[282] Sasikumar, India's Emergence as a "Responsible" Nuclear Power', p.837.

[283] Srivastava, Anupama and Seema Gahlaut, 'India and the NPT: Separating Substantive Facts

This sort of assuagement was carried forward by the External Affairs minister under the subsequent Congress led UPA government that came to power in 2004. A few days before the 2005 Review Conference, the External Affairs Minister remarked:

> India may not be a party to the NPT, but, our conduct has always been consistent with the key provisions of the Treaty as they apply to nuclear weapon States. Article I of the NPT obliges a nuclear weapon state not to transfer nuclear weapons to any other country or to assist any other country to acquire them. India's record in this regard is impeccable and a matter of public knowledge. This is in contrast to the poor record of some of the nuclear weapon States who have been active collaborators in, or silent spectators to, continuing clandestine and illegal proliferation, including export of nuclear weapon components and technology. Article III requires a party to the Treaty to provide nuclear materials and related equipment to any other country only under safeguards. India's policies of international cooperation in the nuclear field have always conformed to this principle. Article VI commits the parties to the Treaty to pursue negotiations to bring about eventual global nuclear disarmament. India is not only committed to commencing negotiations for a Nuclear Weapons Convention, it is also the only nuclear weapon state ready to do so.[284]

It might be noted that in the initial period after the nuclear tests, India's refusal to sign the NPT was justified based on arguments of discrimination in the NPT. In claiming that the NPT regime carried an inherent discrimination the Indian leadership managed to 'legitimately stay out of the NPT regime' to make the argument that India 'was not signing the NPT, not because it wanted to develop weapons, but as a matter of principle.'[285] However, even the NPT discrimination centric arguments in the immediate period that followed the tests i.e. by 1999 were now accompanied with claims that India's behavior, in practice, remained consistent with the spirit of the NPT. This was reiterated by former External Affairs Minister Jaswant Singh who explained, 'we argued that India did not sign the NPT *only* because it was discriminatory against us. Yet we supplemented this by saying that India was not against the principles of the NPT and we do not want to be seen as irresponsible players passing on nuclear technology illicitly. We remain committed to the larger goal of nuclear disarmament enshrined in the NPT.'[286]

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from Normative Fiction,' *Strategic Analysis*, vol 34, March 2010, p.285.

[284] Statement by External affairs Minister Natwar Singh on March 28, 2005 at the IDSA-Pugwash seminar in New Delhi. Available at: http://www.idsa.in/node/1556

[285] Abraham, *The Making of the Indian Nuclear Bomb*, p.140.

[286] Author's interview with Mr. Jaswant Singh, 18th August'2012, New Delhi,

While, for several years India had criticized the NPT for its structure and even questioned its legitimacy, yet in the period that followed the 1998 tests, a shift is observed in the Indian government's arguments vis-à-vis the NPT, especially by 2004. Ambassador Sharma who was based in Vienna at the time and was closely involved in the process preceding the NSG waiver affirmed that 'by 2004 the outlook in Vienna was changing and there was a realization on the Indian side that our earlier position which essentially questioned the NPT centric non-proliferation order *needed* to be changed. We felt it was passé and if India were to be acknowledged as a responsible player it must cooperate not hinder.'[287] The government's claims of substantive compliance were drawn upon the key principles and norms of the NPT itself and the shift in the argument was evident as the government now explained that it was not as if India *did not want to* sign a treaty because it is inherently discriminatory.

Instead, in this subsequent period, the government argued, as Jaswant Singh reaffirmed in his interview that India *was not able to* sign the treaty as a non-NPT state 'due to the reality of India being a state that possesses nuclear weapons after 1998.'[288] India was no longer questioning the discrimination of the NPT and its argument shifted from displaying a lack of 'willingness' to projecting a *disability*. A projection displayed at the highest level by Indian Prime Minister Manmohan Singh who in an interview 'indicated that India was willing to join the NPT if invited as a nuclear weapon state' but unable to do now given that its reality was that of a state possessing nuclear weapons. This was the first time 'an Indian head of government had expressed a willingness to join the Treaty,'[289] a clear departure form India's principle based arguments targeting the NPT itself. This set of arguments on the Indian side came to rely upon the normative principles of the NPT as India also accepted the safeguard and regulatory system embodied in the IAEA as being 'legitimately' intrusive for it 'respected the norms of state sovereignty and the commitment of states' embedded in the NPT.[290] Ambassador Saran, as the Prime Minister's Special Envoy for Nuclear Affairs and Climate Change explained:

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[287] Author's interview with Ambassador Shyam Saran, 10th August, 2012, New Delhi.
[288] Author's interview with Jaswant Singh, 18th August'2012, New Delhi,
[289] Kumar, Vinod A, *India and the Nuclear Non-Proliferation Regime: The Perennial Outlier,* Cambridge University Press, 2014, p.77
[290] Walker, 'Weapons of Mass Destruction and International Order',p.7.

> One of the most important claims on the Indian side was that although India had not signed on to the norms and principles reflected in the NPT but in actual practice, we had observed those norms. Therefore, we made efforts to have countries look beyond the theological position that India had not signed the NPT or why it had not, to make them understand that despite this, India had been extremely conservative in its export policies and had never shared sensitive technology with other States.[291]

Moreover, after 1998 and particularly, by 2000 India linked its arguments of discrimination and inequality to its status and position vis-à-vis China replacing the earlier arguments centered on the inherent structure of the NPT. The argument on the Indian side, Ambassador Sharma articulated was that 'the asymmetry vis-à-vis China was unacceptable for India because we did not want to be treated inferior to a nuclear state in the neighborhood with whom we had difficult relations. And so all India wanted given its size, population, history was an equal place under the sun.'[292] Ambassador Sharma further explained how 'even at the NPT 2000 RevCon India had assured the main NPT players that we will not wreck the NPT system and non-proliferation order and our main point will be the inequities in the region that need to be recognized by P5 and the other NPT states.'[293]

Similarly, in the period that followed the 1998 nuclear tests, Ambassador Ghose explained how the Indian government 'was careful to not criticize the NPT and instead claimed at the highest levels of the Prime Minister and External Affairs Minister that India was willing to abide by and accept the objectives of the NPT. Although we were careful to not use the term "principles embodied in the NPT" more for domestic political concerns, India argued that our policies are consistent with the objectives and principles of the NPT and that is what should matter for others to judge our behavior.'[294] Perhaps, as Lt. Gen. Menon elaborated the 'normative arguments around substantive compliance with the NPT enabled to sustain what happened at the top amongst the key players in the NPT and the NSG.'[295] In this sense, Comm. Bhaskar also argued that 'after 1998 India did not want to be seen as rocking the boat and neither made the attempt to do so. Rather, India championed the case of zero nuclear weapons as the government's accepted the key principles of the NPT as a global practice.'[296]

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[291] Author's interview with Ambassador Shyam Saran, 10th August, 2012, New Delhi.
[292] Author's interview with Ambassador Sheelkant Sharma, 3rd August, 2012, New York.
[293] Ibid.
[294] Author's interview with Ambassador Arundhati Ghose, 28th July, 2012, New Delhi.
[295] Author's interview with Lt. Gen. (Retd) Prakash Menon, 16th October, 2012, New Delhi.
[296] Author's interview with Commodore Uday Bhaskar, 28th December 2012, New Delhi.

India's legal arguments of not being in violation of the NPT because it never signed it related to India's claims of substantive compliance. Sullivan argues how compliance with the NPT worked 'as a standard and behavioral benchmark for assessing nuclear responsibility' arguing that 'although India's compliance with the Treaty in most other respects is not legally required of India, yet, India has arguably derived a degree of moral suasion from this voluntary compliance.'[297] On similar lines, Price explains how India never actually signed the NPT, so technically it has not been in violation of it, which is what enables and allows for 'the recognition of India as a legitimate nuclear power' without upsetting the 'constitutive power of the norm to designate who counts as a rogue state (namely, states in non-compliance with the NPT).'[298]

Müller highlights the effects of international norms and how the NPT marked 'the magic line beyond which nuclear weapons aspirations lost their legitimacy'[299] suggesting that that many of the 'renouncers' of nuclear weapons actually came from the non-aligned camp or those who had no reliable guarantee under a 'nuclear umbrella' but they chose to do so as 'renouncing nuclear weapons appeared a particularly fit instrument to demonstrate good international behavior.'[300] This set of claims falls with a constructivist account where commonly recognized norms that 'provide the basis for substantive international legitimacy judgments.'[301] Actors make claims that accord with what is appropriate in the context of the prevailing norms and norms define and structure the very choices actors make thus actor's behavior is constituted and shaped 'by deeper norms and shared beliefs about what actions are legitimate and appropriate in international relations.'[302] In constructivist terms this implies that over time norms alter the very interests of actors. A focus on compliance based on past performances enabled India to make claims drawing on the norms and principles of the NPT, a treaty at the core of the regime and one India did not accede to. More importantly, as Ambassador K.C. Singh explained that 'by making such claims, India in fact claimed to be sharing those principles' arguing that India was 'a NPT adherent in practice even if not in theory.'[303]

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[297] Sullivan, 'Is India a Responsible Nuclear Power,' p.3.
[298] Price, 'Nuclear Weapons Don't Kill People, Rogues Do', p.244
[299] Müller, 'Between Power and Justice: Current Problems and Perspectives of the NPT Regime'.
[300] Ibid, p.190.
[301] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy*.
[302] Sagan, 'Why do states Build Nuclear Weapons? Three Models in Search of a Bomb,' p.97:73.
[303] Author's interview with Ambassador K. C. Singh, Former Secretary MEA, Indian Ambassador to the United Arab Emirates (1999-2003) and to Iran (2003-05), New Delhi, 23rd July 2012.

Playing by the Rules

The claim of substantive compliance, Dr. Kakodkar explained, was supplemented with arguments that India's nuclear behavior 'was consistent with the rules of the game and India had not violated any rules as such.'[304] In this context, the strategy on the Indian side involved claims of 'an alignment of behavior' with the rules of the nuclear game, which as Ambassador K C Singh explained in his interview, was seen as a step in the 'process of legitmation' to bring in a certain 'degree of quasi-legitimacy.'[305] In theoretical terms, such an understanding brings closer norms and strategy as it allows the study to understand the nuclear game beyond a purely normative one. Despite the fact that India had some 'serious objections to the treaty, an important claim on the Indian side has been that India's behavior is in line with the dominant practices and rules and India claimed that it is playing by the rules.'[306] The Indian government claimed that its behavior is consistent with the rules of the game that went beyond the normative prohibition against nuclear weapons to include the notion of deterrence, non-use and strict export controls with an emphasis on preventing illicit transfer of nuclear weapons to other states and non-state actors that did not posses it.

Further, notions of 'restraint and stability,' that are expected of a competent nuclear player in the sense of 'western nuclear modernity[307] as well as the norm against horizontal proliferation were seen to circumscribe appropriate nuclear behavior sustained by the belief that violations of the rules of the game was not only undesirable but would also prove costly for states. An important argument after 1998, explained Lt. Gen Menon, that was employed by the government was that 'India is capable of practicing nuclear stability and restraint, which is what seemed to matter in the international nuclear game'[308] and that India was a 'sensible' nuclear player. In doing so, India wanted to be seen as accepting the social norm around nuclear weapons that included the norm against horizontal proliferation and the norm of deterrence that defined the rules of the club. In the context of nuclear non-proliferation, there are two forms of proliferation horizontal and vertical. Horizontal proliferation refers to the proliferation of weapons to states that do not have them. Vertical refers to an increase in the number of weapons by a states that already posses them.

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[304] Author's Interview with Dr. Anil Kakodkar, 10th November 2012, New Delhi.
[305] Author's interview with Ambassador. K.C. Singh, 23rd July, 2012, New Delhi.
[306] Ibid.
[307] Gorman and Hamilton, 'At the Interface: The Loaded Rhetorical Gestures of Nuclear Legitimacy and Illegitimacy,' p.43-44.
[308] Author's interview with Lt. Gen. (Retd) Prakash Menon, 16th October, 2012, New Delhi.

However, 'most of the focus has been on controlling horizontal proliferation with the chief legal instrument being the NPT.'[309] India's claims made particular reference to export controls and non-transfer of technology to non-NWS. In this way, international norms and rules served as important resources in the Indian context enabling certain kind of claims on the Indian side. As the Indian government made claims of 'playing by the rules,' Commodore Bhaskar explained that the efforts on the government's part 'was to be able demonstrate to other states that India believed that the horizontal spread of nuclear weapons would be counterproductive to the stability of the world order and that India accepted the social norms around nuclear weapons.'[310]

The thrust of India's arguments in this regard was to focus on explaining that India was capable of playing by the rules. And 'therefore' as Ambassador Saran explained the government argued how 'it was more useful to have India inside the tent than outside. It was argued that to build an effective consensus on how to prevent horizontal proliferation of sensitive technologies it made more sense that India as a potential source of such technology was willing to work with the regime rather than target it or even be targeted by it.'[311] This set of claims fall within the purview of a constructivist framework that acknowledges a strategic context. State behavior is determined by norms and shared beliefs about what actions are legitimate and state actions are embedded in a social environment that promotes certain structures and behaviors as rational and/or legitimate and others as irrational and/or illegitimate.[312] India's quest for nuclear security may be understood in the context of its quest for nuclear legitimacy. However, the quest for legitimacy must be claimed through successful argument, negotiation, and persuasion. In other words, intervening states must convince the international community that their actions are in accordance with an appropriate (and shared) understanding of the prevailing rules and relevant norms.[313] In this light, India's strategies draw attention to the strategic role of legitimacy by highlighting how international norms enabled certain claims.

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[309] Hashmi, Sohail H. and Steven P. Lee, *Ethics and Weapons of Mass Destruction: Religious and Secular Perspectives,* Cambridge University Press, 2004, p. 498.
[310] Author's interview with Commodore Uday Bhaskar, 28th December 2012, New Delhi.
[311] Author's interview with Ambassador Shyam Saran,10th August, 2012, New Delhi.
[312] Scott Sagan in his work cites the example of France, which went nuclear in late 1950s because going nuclear, was symbolic of great-power status and international prestige. However, in the 1990s it was renunciation instead of acquisition, which was seen as the new short cut to international prestige.
[313] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy.*

CHAPTER FOUR

India's Legitimacy Claims: Responsible Behavior, Scientific Competency & Procedural legitimacy

India's quest for international nuclear legitimacy also involved arguments of nuclear restraint and a consistent comparison of India's nuclear behavior with that of Pakistan as the Indian government claimed that India has been "more responsible" than its neighbor Pakistan. The responsible state argument emerges as a dominant theme that draws upon linkages with other claims as the Indian government argued that strict export controls and substantive compliance with the NPT at the very least show India's commitment and desire to being seen as responsible. The Indian government also claimed legitimacy in 'scientific terms'[314] arguing, India's scientific and nuclear establishment was competent and credible. Indian officials assured the international community that India had so far, despite sanctions, developed an indigenous nuclear program due to the scientific expertise asserting that India knew what it was doing and that its nuclear program was in the right hands. India's program was argued to be in the right hands not only because of scientific competency in a strict traditional sense but also as a capability to exercise restraint.

Lastly, the Indian government argued that the steps taken to be accommodated into the non-NPT aspects of the non-proliferation regime such as the separation of its civilian and military facilities, acceptance of IAEA safeguards and the July 8th, 2005 Indo-US joint statement recognizing India as state with advanced nuclear technology amounted to a de-facto recognition for India's possession of nuclear weapons. Additionally, Indian officials explained how India had followed the right process and procedures in approaching the international community and its diplomatic initiative had been channelized multilaterally, through the NSG and IAEA. Ambassador Mansingh aptly explained this argument that 'India had pleaded its case through the rigorous institutional processes and *asserted its right to sit* and be heard in these groups through a legitimate and institutional process.'[315] This chapter will discuss the other three legitimation strategies, outlined earlier, namely, (iii) Responsible Nuclear State: Restraint and Relative; (iv) Scientific competency and Credibility of Nuclear Establishment; (v) De-facto Recognition and Procedural legitimacy.

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[314] Abraham, *The Making of the Indian Nuclear Bomb,* p.29.
[315] Author's Interview with Ambassador Lalit Mansingh, 18th September 2012,New Delhi.

4.1 Responsible Nuclear Behavior: Restraint and Relative

This argument on the Indian side relates to the ways in which the Indian government claimed 'responsible behavior' to justify its possession of nuclear weapons. This does not imply that India has actually acted 'responsibly' nor is the term responsible synonymous with the term 'legitimate.' Rather, to say that India is a responsible nuclear power does not also imply that India is a 'legitimate' nuclear power. Similarly, an act that is seen and described as legitimate may not necessarily be responsible. This section offers a critical explanation of the ways and manner in which the argument of responsible nuclear behavior was strategically employed by the Indian government in its attempts to assuage international apprehensions about India's possession of nuclear weapons. In this regard, India's claim emanate from employing a behavior-based definition of 'responsible' that places greater emphasis on 'compliance with norms rather than on symbolic treaty membership.'[316]

Drawing upon a behavioral-based definition the Indian government claimed substantive compliance with key provisions of the NPT. The Indian Prime Minister in the immediate aftermath of the nuclear tests argued that 'India as a responsible state possessing nuclear weapons'[317] was tightening export controls. In restating 'the purpose of the NSG was to prevent diversion, India's argument' Dr. Kakodkar explained 'was that we had so far managed to control our weapons program from going into the wrong hands and we are a responsible state because we are a classic non-proliferator in the strict sense of horizontal proliferation.'[318] In this regard, India claimed a better record than even China having rejected a Libyan offer in 1978 to pay off its entire debt in return for the sale of nuclear weapons.[319] Sasikumar[320] employs the concept of 'responsible proliferation' to explain how 'responsible behavior' in the international nuclear realm came to be 'equated with strict controls on the diffusion of nuclear technology outside national boundaries.'[321]

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[316] Bruneau, Richard, 'Engaging Nuclear India: Punishment, Reward, and the Politics of Non-Proliferation,' *Journal of Public and International Affairs* 17, (Spring 2006).pp:28-29.
[317] Rajamohan.C 'PM Rejects Demand to Limit Nuclear Capabilities' *The Hindu*, 16, Dec, 1998.
[318] Author's interview with Dr. Anil Kakodkar, 10th November 2012, New Delhi.
[319] Laxman Srinivas, India rebuffed Libyan Leader's request for Nuke help in 1978,' The Times of India, October 22, 2011. Also see 'Libya: Nuclear Chronology 1968-79', Nuclear Threat Initiative August 2005. http://www.nti.org/eresearch/profiles/Libya/4132.html.
[320] Sasikumar' work discusses India's responsible behavior as a strategy. While it lays out the puzzle around the tacit recognition of India's nuclear weapons, it does not focus on the perceptions of other actors that recognized and endorsed India's claims and why they responded to India in particular way. Her work discusses norms as important resources but falls short of explaining an 'enabling role' of norms nor does it link India's 'responsible behavior' to its legitimacy claims and the implications of these claims for the legitimacy of India's possession of nuclear weapons.
[321] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p. 831.

Nuclear Restraint and Relatively Responsible

India's claims to responsible behavior that emanated from the notion of nuclear restraint led the Indian government to argue that India had exercised restraint even in crisis. The government explained that since India's PNE in 1974 for almost thirty years India had remained a 'reluctant nuclear power.'[322] Similarly, in the period that followed the 1998 tests, the Indian government claimed to have exercised and demonstrated a great deal of restraint, especially, during the *Kargil War* with Pakistan in 1999. In his work Abraham explains India's strategy of nuclear restraint that enabled India to claim that it was 'an example of a country not pursuing nuclear weapons despite having established the technical ability to do so.' A strategy of (nuclear restraint), Abraham argues, it was hoped would 'lead to India's inclusion in the group of great powers'[323] that were also the legitimately recognized nuclear weapon states seen as capable of exercising nuclear restraint. India's first National Security Advisor (NSA) and Principal Secretary Brajesh Mishra stated amidst the Kargil War 'India's restraint will drive home the point that a nuclear India can and does act in a responsible manner.'[324]

In this sense, and 'ironically, the nuclear dimension of the Kargil Crisis surfaced not as a danger, but as moderating influence which buttressed India's responsible nuclear state argument.'[325] The Indian government made claims of 'nuclear restraint' during Kargil crisis in May 1999 arguing that 'the restraint with which India exercised its nuclear capability stood in quite contrast to the kind of saber rattling that Pakistan was doing.' This supplemented India's claims to relatively more responsible behavior in comparison to Pakistan. In this sense and as Commodore Bhaskar acknowledged 'perhaps Kargil played a role in sensitizing the global community to India's profile and the dialogue and window of opportunity with India became that much more enabling.'[326] Sasikumar explains the manner in which, after the nuclear tests of 1998, restraint became the cornerstone of India's nuclear diplomacy and it was expressed in two ways. Firstly, India reaffirmed its commitment to using nuclear weapons as deterrents and, second, India made such attempts to present its crisis behavior as responsible.[327]

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[322] Perkovich,*India's Nuclear Bomb: The Impact on Global Proliferation,*
[323] Abraham, *The Making of the Indian Nuclear Bomb*, p.139.
[324] Statement by Brajesh Mishra National Security Advsor. Quoted in Padgaonkar, Dileep, 'Policy of restraint to keep Pak under global pressure,' *Times of India* (newspaper), June26,1999.
[325] Malik, *India's Nuclear Debate: Exceptionalism and the Bomb, p.*255-256.
[326] Author's interview with Commodore (Retd) Uday Bhaskar.,28th December 2012, New Delhi.
[327] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p.829.

The 'restraint that India demonstrated despite the provocations by Pakistan in Kargil' Lt. General Raghavan argues enabled the Indian administration 'to assert, if nothing more, but at least India's resolve and commitment towards being seen as a responsible nuclear weapons state.'[328] India's claims to a good non-proliferation record and of being a 'responsible nuclear power' involved a comparison to the record and behavior of its neighbor Pakistan, and speaking in such relative terms, nuclear scientist K. Santhanam explained 'allowed India to be seen as more of a responsible nuclear state perhaps making the international community more receptive to India's claims.'[329] The Indian government's claims to nuclear restraint were an important part of India's strategy to claim responsible nuclear behavior, enabled by a comparison of India's behavior and record to that of Pakistan. Such attempts became effective by relying upon a behavior-based definition of responsibility that focused more on substantive notions of compliance rather than procedural and concrete steps of treaty-membership.

India's argument of responsible behavior and self-restraint, both in isolation and in comparison to other non-NPT states, especially, Pakistan, were important elements in the Indian government's strategy to justify India's possession of nuclear weapons after the 1998 nuclear tests. The NPT centric regime emphasizes horizontal proliferation rather than vertical and a nuclear taboo exists primarily against the *use* of nuclear weapons and not possession. The taboo 'also strengthened and legitimized nuclear deterrence by making nuclear use less likely' and by making nuclear use less likely 'deterrence made the nuclear arsenals of certain countries more *acceptable*.'[330] An acceptance that 'paradoxically legitimized'[331] the role of nuclear weapons based on a shared belief that nuclear weapons can play a crucial role in maintaining global order and stability, provided they are handled 'responsibly' as deterrents. The norm of deterrence equated with stability also came to define 'responsible state' in terms of whether or not the actor in question is perceived to be capable of handling weapons as deterrents and of practicing restraint. In explaining this strategy, India's National Security Advisor M.K. Narayanan shared his view on 'how the language of responsible state was key in addressing the international community and how India wished to be recognized as a responsible nuclear power than simply a nuclear power. A desire evident in India's restraint demonstrated over the years.'[332]

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[328] Author's interview with Lt. Gen. (Retd) V. R. Raghavan President, Centre for Security Analysis, Chennai. Member of India's National Security Advisory Board. Member of the Task Force set up by the Government of India to Review National Security, New Delhi, 27th July 2012.
[329] Author's interview with K. Santhanam, Nuclear Scientist, Project leader of 1998 tests.
[330] Tannenwald, 2005: 41.
[331] Singh, 1998:47-48.
[332] Author's interview with former Governor of West Bengal (2010-2014) and National Security Advisor (2005-2010) Mr. M. K. Narayanan at Calcutta on 6th September 2013.

Similarly, principle advisor and key member of India's negotiating team explained 'our efforts were to harmonize our relation with the nuclear regime and convey to NSG members that India qualified for nuclear trade as a responsible player. For this we had already harmonized India's permit list of dual use material with that of the existing NSG list as we wanted to be seen as a sensible player.'[333] The Indian government argued, as Comm. Bhaskar explains, 'that like the five NWS, India too can husband the nuclear capability with a certain degree of responsibility without upsetting stability, recognizes the social norm of deterrence and is capable of practicing it.'[334] Similarly, Nayan's work[335] acknowledges the role of India's responsible behavior and how this allowed India to engage with some aspects of the regime bringing a 'new equilibrium between India and the global non-proliferation system.'[336] Dr. Venkatesh Verma at the Indian Ministry of External Affairs elaborated 'in accepting that nuclear weapons with their nature and destructive power impose a certain amount of responsibility, it was argued that India had behaved responsibly by exercising a fair degree of nuclear restraint.'[337] In this way, 'self-abnegation, withdrawal or restraint as indices of good civilized international behavior' Jaswant Singh explained also 'enabled India's claims of utmost, restrain, rectitude and responsibility in husbanding nuclear capability became a distinctive Indian feature.'[338]

The Indian government thus drew upon a consistent comparison with Pakistan and as Dr. Sethi acknowledged by explaining that 'in acquiring legitimacy, comparison was an important strategy. India stood out as a model of good behavior in comparison to Pakistan, North Korea and even Iran. This was one of the most persuasive arguments that India demonstrated responsible behavior and is different from other outliers.' The claims were based 'to a large extent on Pakistan's nuclear behavior that created that distinction for India. Further, the revelations about the A. Q. Khan network brought that rupture for India and created a distinction between good and bad behavior in the context of non-proliferation.'[339]

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[333] Author's Interview with Dr. R.B. Grover, Senior Nuclear Scientist Principle Advisor to Department of Atomic Energy, Member of Atomic Energy Commission, Director and vice chancellor of Homi Bhabha National Institute, 2nd January, 2013 at New Delhi,

[334] Author's Interview with Retd. Comm. Uday Bhaskar, 28th December 2012, New Delhi.

[335] Nayan's work provides a realistic framework to understand India's relationship with the NPT, proposing an amendment to existing NPT rules to accommodate India as NWS, which he argues should not be viewed as 'unnecessary legitimization of proliferation.' However it overlooks the implications of India joining the NPT as NWS. Such a move would imply a de-jure recognition of India's nuclear status (as the sixth recognized NWS) and would bring legitimacy to its existing nuclear program.

[336] Nayan, 'The NPT and India: Accommodating the Exception', p.314.

[337] Author's Interview with Dr. Bala Venkatesh Verma, 17th August, 2012, New Delhi.

[338] Author's interview with Jaswant Singh,18th August'2012, New Delhi

[339] Authors Interview with Dr. Manpreet Sethi, Senior Fellow, Head of the Nuclear Security project at Centre for Air Power Studies, New Delhi, 19th December 2012.

There was a belief that India's democratic government, transparent nuclear policy and civilian control of nuclear weapons would enable India, as Ambassador Chandra explained 'to be trusted and seen as less of a threat and more as an opportunity.'[340] Whereas, argued senior journalist Verghese 'the international community cannot trust Pakistan with its nuclear arsenal that could go in the wrong hands by theft or other means.'[341] Although, 'neither India nor Pakistan has signed the CTBT or NPT' and 'the only conditions that seem to have been met to date are no further nuclear tests, no deployment of weapons, and commitments not to export nuclear weapon related technologies.'[342] Yet, as Ambassador Sreenivasan explained that India claimed 'it had behaved more responsibly than Pakistan and was committed to nuclear disarmament.'[343] Sasikumar argues how Indian diplomats played upon a comparison with Pakistan to claim 'a tight rein on its considerable nuclear expertise'[344] to argue, as Prof. Vanaik put it that 'Pakistan behaved irresponsibly and is guilty of proliferation. India, in this light was relatively responsible.'[345] The 'strategic defiance of China transferring reprocessing technology to enable Pakistan to make fission and thermonuclear device for plutonium weapons,' Ambassador Parthasarathy argued 'showed it be to an irresponsible nuclear state. India looked better' allowing 'the nuclear establishment to rationalize its actions and be perceived as more responsible than Pakistan.' [346]

4.2 Scientific Competency & Credibility of Nuclear Establishment

This set of claims on the Indian side were strategically embedded in arguments that drew upon claims of a competent nuclear establishment, credibility of India's nuclear scientists, an indigenous nuclear program and India's scientific expertise. India's nuclear establishment comprises of the Department of Atomic Energy (DAE), Bhabha Atomic Research Centre (BARC) and the Defense Research and Development Organization (DRDO). Dr Homi. J. Bhabha, eminent Indian nuclear scientist, known as the father of India's nuclear program envisioned a three-stage nuclear program way back in 1948 that 'India will have an atomic research centre comparable with those in the most advanced countries.'[347]

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[340] Author's interview with Ambassador Naresh Chandra. 4th January, 2013, New Delhi.
[341] Author's interview with Mr. B. G. Verghese, 16th October 2012, New Delhi.
[342] Mian, Zia, 'The American Problem: The United States and Noncompliance in the World of Arms Control and Nonproliferation,' in Edward C. Luck and Michael W. Doyle, eds., I*nternational Law and Organization: Closing the Compliance Gap,* Rowman & Littlefield, 2004.
[343] Author's Interview with Ambassador T.P. Sreenivasan, 20th December 2012, New Delhi.
[344] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p.831.
[345] Author's Interview with Professor Achin Vanaik, International Relations, Delhi University. Anti-nuclear activist, member of the Coalition for Nuclear Disarmament and Peace, India, New Delhi, 26th December 2012.
[346] Authors Interview with G. Parthasarathy, 27th September 2012, New Delhi.
[347] Moshaver, Ziba, *Nuclear Weapons Proliferation in South Asia*. Harmondsworth and London: Macmillan, 1991, p. 31.

This is evident from the fact that 'nuclear power was on India's agenda even before independence.'[348]Given this intent and vision, historically, the nuclear establishment and particularly the Department of Atomic Energy received a great deal of support and sufficient autonomy from the central government[349] and as some have argued that the field of nuclear science received consistent attention that no other field of science had received before.[350] While 'the Indian political leadership found the glamour of possessing nuclear weapons (and technology) irresistible' they were 'content to leave their development and control in the hands of the scientists.'[351] Overtime, atomic energy and consequently the Indian nuclear establishment led by the nuclear scientists came to be 'invested with a great deal of legitimacy and popular support.'[352] This strategy with India's nuclear scientists at the forefront was to argue for the need for self-sufficiency and an indigenous nuclear program. As it was believed that 'in the present international situation (India) was unlikely to obtain the information from the countries, which are the most advanced in the field.'[353]

The idea of scientific autonomy and self-sufficiency stemmed from both, India's colonial history where technological backwardness was seen as also one of the reasons for its subjugation[354] and also from the idea of development, which as Abraham argues, was crucially dependant on how science was articulated in post-colonial India.[355] Abraham's work traces the new discourse of science and nation in a post-colonial India and points to two significant shifts soon after independence, 'the first that makes atomic energy the epitome of a modern scientific project, and the second that foregrounds national security as a core rationale for state behavior.'[356] The Indian government's arguments centered around India's need for scientific progress and development as Indian leadership sought to employ science as a rhetorical device, domestically and internationally, to justify India's nuclear program and the need for nuclear technology as well as to acquire a certain level of recognition for its indigenous program and scientific expertise.

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[348] Gonsalves, Eric, 'Tarapur: Lessons from the First Episode in the Indo-US Nuclear Engagement', Chapter Two in P. R. Chari (edited) *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism,* Routledge India, Revised Edition 2012,p.8.
[349] Sharma, Dhirendra. 1983. *India's Nuclear Estate*. New Delhi: Lancer's. 1983, p.119.
[350] Chopra, Maharaj K. 'India's Military Path in the 1970s' *Military Review,* 54, 1974, p. 38.
[351] Gonsalves, 'Tarapur: Lessons from the First Episode in the Indo-US Nuclear Engagement', p.18.
[352] Abraham, *The Making of the Indian Nuclear Bomb*, p.69.
[353] Bhabha, Homi. J. 'Science and the State: Atomic Commission's at Work', *The Times of India*, 20 March, 1952.
[354] Bajpai, Bajpai,P.Kanti, India: Modified Structuralism in *Asian Security Practice: Material and Ideational Influences*, edited by M. Alagappa. Stanford:Stanford University Press, 1998.p.160.
[355] Abraham, *The Making of the Indian Nuclear Bomb,* p.26
[356] Ibid, p.49.

The Indian government's attempts sought to legitimize actions in 'scientific terms.'[357] A claim on the Indian side was a need for unhindered scientific development as well as to seek recognition for the progress that the Indian scientists had achieved on the indigenous capabilities front despite the three decade long embargo on import of nuclear technology since India's first PNE in 1974. Dr. K. Santhanam nuclear scientist and member of the core group that prepared and conducted the 1998 nuclear tests explained, 'India made attempts to persuade these other countries that India has a full-fledged nuclear cycle activity spectrum and every part of the design of the nuclear weapon is available with us and so we do not need to piggy back on anybody. We wanted to show the world that we are capable of doing it by ourselves and so far we had done it ourself.'[358]

Similarly, in her insightful work, Priyanjali Malik narrates how the 1998 tests were symbolic of a celebration of both modernity and scientific achievement as the Indian government argued that it was an indigenous bomb and thus a symbol of Indian innovation despite the technology denial and sanctions[359] for more than three decades. Dr. Kakodar, an eminent nuclear scientist explained that India's 'fairly high technology capabilities, its three stage nuclear program and nuclear self-reliance in technology, collectively, contributed towards India's scientific credibility.'[360] The arguments of 'scientific and development progress provided some rationale'[361] for the Indian government that relied on this to strategically make a convincing case for India. Thus, as Dr. Kakokdar further noted 'India sought to justify its need for unhindered nuclear trade for the purpose of its development,'[362] an argument that was believed to have a considerable degree of weight for acquiring an acceptance. India's National Security Advisor (2005-2008) and head of the Indian delegation to the NSG in 2008 also explained how 'by 2008 India had managed to firmly establish an otherwise acknowledged credibility of its scientific and nuclear establishment. There was less doubt about what we were saying because of the credibility of our nuclear establishment led by our scientists. Internationally, there was recognition that even if they could not trust the politicians they could trust the scientists.'[363]

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[357] Ibid., p.29.
[358] Author's Interview with Dr. K. Santhanam. 5th November, 2012, New Delhi.
[359] Malik, *India's Nuclear Debate: Exceptionalism and the Bomb,* p.230.
[360] Authors interview with Dr. Anil Kakodkar, 10th November 2012, New Delhi.
[361] Gonsalves, 'Tarapur: Lessons from the First Episode in the Indo-US Nuclear Engagement', p.21.
[362] Author's Interview with Dr. Anil Kakodkar.10th November 2012, New Delhi.
[363] Author's interview with Governor of West Bengal, M. K. Narayanan, 6th September 2013, Calcutta.

Similarly, in the context of the Cold War, Gorman and Hamilton, explain how nuclear danger and threat was understood not in terms of massive proliferation of weapons but in the 'refusal of certain state and all non-state actors to progress along the disciplinary path constructed by the West with regard to these dangerous technologies, at the pinnacle of which stands a scientific-technical elite with full appreciation for nuclear power.'[364] And arguments drawing upon the credibility of the scientists and their competency came to serve as an important source of legitimacy claims on the Indian side. Moreover, given the inter-linkages between a nuclear program for peaceful purposes and a military one, where different components of a nuclear weapons were also held with both the organizations, the DAE and DRDO,[365] the Indian government, after the 1998 tests, claimed to have adopted an "assertive" command and control system that emphasized central control over weapons' and not a "delegative" system where authority was delegated to lower levels of military command. This enabled the leadership to situate nuclear weapons as less of a threat—a posture that was seen to decrease 'the risks of nuclear accidents, theft of nuclear weapons, and the possibility of unauthorized use.'[366]

In this way, claims about the credibility of India's nuclear establishment were also made drawing upon the very structure and system of control as the DAE and BARC were directly under the Prime Ministers Office, whereas the DRDO was under the Ministry of Defense. Moreover, as the functioning of these groups had become more formalized and as a nuclear scientist present during the 1998 tests, Dr. Santhanam explained, 'after 1998 there was much more of a formal procedure of discussion between the technical groups, the policy groups and the administrative apparatus so there was more of an informed consultation than it occurred prior to 1998,'[367] which was seen to add to the competency of India's nuclear establishment. The Indian government argued that the Indian nuclear scientists were competent, both because of their technical knowledge and expertise, but also competent in a sense of a 'western nuclear modernity' as exercised by actors who could be trusted with nuclear technology and were capable of exercising restraint and control.[368]

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[364] O'Gorman & Hamilton, 'At the Interface: The Loaded Rhetorical Gestures of Nuclear Legitimacy and Illegitimacy,' p.57.

[365] Pandit, Rajat, 'India all Set to Set Up Nuclear Forces Command,' *The Times of India*, December 30, 2002. Available at http://articles.timesofindia.indiatimes.com/2002-12-30/india/27320878_1_nuclear-command-sfc-strategic-forces-command

[366] Rajagopalan, 'India: The Logic of Assured Retaliation' in The Long Shadow', p. 209.

[367] Author's Interview with Dr. K Santhanam. 5th November, 2012, New Delhi.

[368] Gorman and Hamilton,At the Interface: The Loaded Rhetorical Gestures of Nuclear Legitimacy and Illegitimacy,'

Indeed, 'a great measure of India's credibility in these international gatherings came from its ability to claim that it had the knowledge and technology to becomes a nuclear weapons state, if it so chose, but had self-consciously decided not to.'[369] In the words of Governor and former National Security Advisor M.K. Narayan, the argument was that 'legitimacy comes from the recognition of the credibility of our scientists and from the legitimacy of our nuclear scientists themselves, who are competent actors and who are not out there to devastate anybody but only have a desire to be seen as an outstanding scientist.'[370] The Indian government thus made claims based on argument of credibility of India's nuclear scientists, scientific and technical competency, in its attempts to convince the international community of states that its nuclear establishment was competent to handle dual-use nuclear technology and that its possession of nuclear weapons is justifiable, not only because India needed weapons for national security, but also because India was scientifically competent and capable of possessing them.

4.3 De-facto Recognition and Procedural Legitimacy

The Indian government argued that 'the ambiguity about India's nuclear weapons was removed with the Indo-US joint statement of July 18th 2005' and as Ambassador Saran elaborated that this along with the separation of India's military and civilian nuclear facilities 'amounted to a de-facto recognition of India's possession of nuclear weapons.'[371] In the period post-2004, the Indian nuclear map witnessed the unfolding of some concrete steps that also facilitated the confidence-building measures and strategies that the Indian government had employed post-1998. As the Indian government made efforts to acquire some kind of recognition for the claims it was making and a certain degree of acceptance for India's possession of nuclear weapons, even the steps towards civil nuclear cooperation with the United States was justified and explained, by the Indian government, as steps that would enhance India's nuclear weapons status. While security has been a pertinent issue, 'international respect and recognition' for its nuclear status may also be seen as an integral part of India's nuclear posture and 'can scarcely be disentangled from the national security dimension.'[372]

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[369] Abraham, *The Making of the Indian Nuclear Bomb,* p.139.
[370] Authors interview with Governor West Bengal M K Narayanan, 6th September 2013, Calcutta.
[371] Author's interview with Ambassador Shyam Saran, 10th August, 2012, New Delhi.
[372] Hagerty, Devin T. 'The South Asian Nuclear Tests: Implications for Arms Control', in Carl Ungerer and Marianne Hanson (eds), *The Politics of Nuclear Non-Proliferation* (Sydney: Allen and Unwin), 2001, p: 99.

In this context, the two significant strategies employed by the Indian government included India's claims to a de-facto recognition of its nuclear weapons-status and claims to following the right procedures in the government's attempts to acquire legitimacy for India's possession of nuclear weapons after 1998.

Claims to a De-facto Recognition

On the Indian side, there was a predominant understanding that inaccessibility to high technology was due to India's non-NPT status and its strained relations with states in the nuclear regime, particularly, the United States. In this context the Indian government sought to find ways and means to remove the "nuclear thorn."[373] The strategic dialogue that was initiated with India towards the end of the Clinton presidency (1999-2000) sufficed to normalize the Indo-US relations. However, the real breakthrough came in the second Bush term[374] post-2004 as the U.S. President George. W. Bush was willing to address the "nuclear thorn" in dealing with India. Tellis notes that instead of treating India as part of the problem of proliferation, President Bush:

> Turned this approach on its head. Viewing India [now] as part of the solution to proliferation, the president embarked on a course of action that would permit India greater—not lesser—access to controlled technologies despite the fact that New Delhi would not surrender its nuclear weapons program and would continue to formally remain outside the global non-proliferation regime.[375]

Similarly, Malik notes that 'President Bush was in effect agreeing to re-write the rules of the global nuclear order for India so that it could be recognized as a nuclear weapons states in all but name.'[376] This was evidently underlined in the joint statement of July 18th, 2005 made by former US President George Bush and Prime Minister Manmohan Singh that, amongst other things took note of India 'as a responsible state with advanced nuclear technology,' and that 'should

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[373] Several of the elite interviewees employed the term 'nuclear thorn' making reference the embargoes on India after its nuclear tests in 1974 and India's inaccessibility to high technology.

[374] The first term of the Bush administration 2001-2004) ended with the joint statement of President Bush and PM Vajpayee labeled as the Next Steps in Strategic Partnership (NSSP) in January 2004, which served as the earliest sign of what was going to be sea-change in India's bilateral with the US and multilateral relationship in general.

[375] Tellis, Ashley, 'India as a new global power, AN ACTION AGENDA FOR THE UNITED STATES', Paper for CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, 2005, p.6.

[376] Malik, *India's Nuclear Debate: Exceptionalism and the Bomb*, p.295.

acquire the same benefits and advantages as other such states.'[377] This joint statement set the tone for the subsequent set of claims on the Indian side as the Indian government explained and justified to its domestic and international dissenters, that the joint statement also implied a de-facto recognition of India's nuclear capabilities and 'a validated nuclear identity' for India.[378] In a statement to the Parliament Prime-Minister Manmohan Singh argued that:

> In the Joint Statement, the United States implicitly acknowledged the existence of our nuclear weapons programme. There was also public recognition that as a responsible state with advanced nuclear technologies, India should acquire the same benefits and advantages as other States, which have advanced nuclear technology, such as the United States.[379]

The above joint statement laid the framework for the U.S-India Civil Nuclear Cooperation Agreement in 2007, which also paved the way for subsequent agreements and declarations with several other key NSG members including France, Russia, Canada, United Kingdom. The nuclear agreement was preceded by a separation plan in 2006 where the Indian administration was required to identify and separate its civilian nuclear facilities from the military ones and placing the former under IAEA safeguards. An agreement between India and the IAEA was signed in July 2008 followed with the NSG waiver in September 2008 allowing India to engage in peaceful nuclear commerce, internationally, without requiring any prior surrender of India's past, present, or future nuclear weapons, as was ordinarily required under the non-proliferation treaty for all states other than the five recognized nuclear- weapon powers. These developments, the Indian government argued also implied a de-facto recognition of India's nuclear weapons. Ambassador Shyam Saran's, Prime Minister's Special Envoy for Indo-US Civil Nuclear issues explained India's argument that:

> The ambiguity about India's status no longer exists because it was already in a sense removed with the Indo-US joint statement of July 18th 2005 and further in a sense multilateralized by the NSG waiver for India. Essentially to say that India is like the U.S., a country, which has advanced

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[377] Joint statement by US President George Bush and Indian PM Manmohan Singh on 18th July 2005 following the US-India civil nuclear agreement. For full text see: http://georgewbush-whitehouse.archives.gov/news/releases/2005/07/20050718-6.html

[378] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p. 826.

[379] Suo motu statement made by former Indian Prime-Minister Manhoman Singh in Parliament on February 27, 2006,on Civil Nuclear Energy Cooperation with the United States. Full text available at http://pmindia.nic.in/pmsinparliament.php?nodeid=30

> nuclear technology and has an impeccable record as far as non-proliferation is concerned and therefore should be entitled to the same rights and responsibilities as any other state with advanced nuclear technology, amounts to a de-facto recognition for India's possession of nuclear weapons.[380]

The Indian government argued that the separation plan itself was a de-facto recognition of India's military facilities that processed nuclear fuel cycles and as Prof. Vanaik added that the act of 'separating civilian sites from military and allowing India to use its limited indigenous uranium for military purposes, also meant that legitimization of its weapons capability has taken place, at least in a de-facto sense even if not de-jure.'[381] As the Indian government retained the right to decide and declare, which facility was civilian and which ones would come under military, it was also argued that India's 'strategic nuclear assets remained fully insulated against any external scrutiny or interference.'[382] In this sense, the lack of a de-jure recognition by the NPT was strategically compensated with claims to a de-facto recognition of India's possession of nuclear weapons. Dr. Rajamohan explained that 'the July 18th statement seemed to square the circle as it also implied that the international system is willing to live with India's nuclear weapons as long as India separated its civilian and military programs making India eligible for cooperation.'[383] The Indian government claimed that India was a de-facto nuclear state arguing as Prof. Chari noted that 'even though India may have not been legally conferred with the nuclear weapon status, the Indo-US nuclear deal was a de-facto recognition of India's capabilities.'[384] Similarly, referring to the nuclear deal Bidwai opines how 'India extracted a unique deal from the United States under which its nuclear weapons are indeed legitimized and the world resumes regular nuclear commerce, even though India has signed no atomic restraint and /or disarmament treaty.'[385] Importantly, such an arrangement, he argues elsewhere, 'legitimizes India's nuclear weapons' for the first time since the NPT was negotiated almost 40 years ago.'[386]

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[380] Author's interview with Ambassador Shyam Saran, 10th August, 2012, New Delhi.
[381] Author's Interview with Prof. Achin Vanaik, 26th December 2012, New Delhi.
[382] Mansingh, 'The Indo-US Nuclear Deal in the Context of Indian Foreign Policy,' p.183.
[383] Author's Interview with Dr. C. Rajamohan, Senior Foreign Policy Analyst and member of National Security Advisory Board of India, New Delhi, 15th December 2013.
[384] Author's Interview with Prof. P. R Chari, Former IAS officer and dormer director of Institute for Defense Studies and Analyses (IDSA). Currently research professor at Institute of Peace and Conflict Studies (IPCS), New Delhi, 19th July 2012.
[385] Bidwai, Praful The Truth Behind India's Nuclear Renaissance, *The Guardian*, October 21, 2010. http://www.theguardian.com/commentisfree/2011/feb/08/india-jaitapur-nuclear-disaster-biodiversity
[386] Bidwai, Praful 'Nuclear Poker over Iran,' *Frontline*, Vol. 23, No. 2 (Jan 28 -Feb 10) 2006.

Claims to Procedural Legitimacy

The Indian government claimed that India crossed two significant barriers in its nuclear relations. The first was a removal of international sanctions and the second, of being categorized as responsible state in the nuclear realm. It did so, arguing that these outcomes were achieved by following the right processes and proper procedures i.e. engaging and approaching the international community of states through the multi-lateral institutions, namely the IAEA and the NSG that institutionalize the norms and procedures of the non-proliferation regime. In other words, the Indian government claimed a procedural legitimacy in the manner that India's case was put forward before other states in the non-proliferation regime, arguing that India was different from other NPT outliers not only because of India's responsible behavior, but also because India followed the laid out process and procedures in placing its case before the international community of states.

In this context, a primary argument, as Ambassador Mansingh articulated was that 'India went through the rigorous process to gain an exemption and crossed the legal and procedural hurdles such as segregating civilian program from strategic program, signing the additional protocol with the IAEA and pleading its case before the NSG.'[387] It was after this process that India received a waiver and access to nuclear commerce as a non-NPT state. In this context, procedural legitimacy refers not to fairness or righteousness, instead, to widely accepted belief about what correct procedure is, irrespective of the outcome, which also explains why certain decisions are accepted despite the normative challenges and partially explains the acceptance or legitimation of inequalities in a system.[388] Franck notes that procedural legitimacy involves 'the claim that an action or a rule is legitimate to the extent that it has come into being and operates in accordance with generally accepted principles of right process.'[389] In this context, 'diplomacy is an important element of procedural legitimacy to the extent that it provides shared conventions for communication (linguistic and procedural).'[390] A growing realization that India should engage in nuclear diplomacy and become party to the non-NPT aspects of the non-proliferation regime led 'analysts and government officials' to explore 'areas where India can play an important role in strengthening the non-proliferation regime without becoming a member of the NPT.'[391]

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[387] Author's interview with Ambassador Lalit Mansingh, 18th September 2012, New Delhi.
[388] Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council*.
[389] Franck, *Fairness in International law and Institutions*, p.19.
[390] Hurrell, ' Legitimacy and the use of force: can the circle be squared?' , p.24.
[391] Nayan, 'The NPT and India: Accommodating the Exception', p.314.

In understanding why claims to procedure were made, it may be argued that seeking NSG approval seemed to bestow a certain perceived legitimacy to India's exception in the nuclear realm. As India was outside the NPT, the issue was how to make India-specific exemptions acceptable and legitimate. A lack of NSG approval implied a higher cost for India and for states that endorsed India's case; costs in terms of time, diplomacy and even side-payments in negotiations to obtain the approval of several key states. However, a process for approval reduced the costs, adding a certain degree of procedural legitimacy to India's waiver as it was sought via the due process prescribed by the NSG rules. Moreover, following the correct procedures and rules was seen as a strategy that worked in India's interest. Dr. Suba Chandra noted how doing so was believed to 'bring in the rewards much easier and legally in public' with a belief that while 'China can help Pakistan but it will remain clandestine and cannot be made public or considered legitimate.'[392] In this context, Ambassador Sreenivasan explained how 'India argued that it was unlike Pakistan that received nuclear reactors from China without NSG waiver let alone a consensus as revelations of its clandestine transfers to other states made public. However, India remained committed to a diplomatic route and plan following due processes, as expected of a responsible player.'[393]

A procedural face of legitimacy revealed itself as 'a quest for what can reasonably be accepted by international society as a tolerable consensus on which to take action.'[394] This route provided a normative space allowing 'some inevitable steam-letting by few of the nuclear fundamentalist, specially Norway, Ireland, Switzerland, the Netherlands, Austria and New-Zealand.'[395] The Separation Plan of March 2, 2006; the 123 agreement in July 2007; the special safeguard agreement between IAEA and India on July 7, 2008 and subsequent approval by IAEA Board of Governors; two stormy NSG sessions in Vienna on 21-22 august and 4-6 September 2008 before a consensus on India's waiver' as a non-NPT state— were steps argued to bestow a procedural legitimacy. As foreign secretary of India (1999-2000), Ambassador Mansingh argued, 'India has legitimacy, because we went through all the processes and we gave assurances which are credible. If Pakistan can prove its record before these institutions like India then they are as much welcome. However, to even prove its case, they (Pakistan and Iran) must first go through the same legal process.'[396]

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[392] Author's interview with Dr. Suba Chandra, Director, Institute of Peace and Conflict Studies (IPCS), New Delhi, 19th July 2012.
[393] Author's interview with Ambassador T. P Sreenivisan. 20th December 2012, New Delhi.
[394] Clark, *Legitimacy in International Society*, p.3.
[395] Mansingh, 'The Indo-US Nuclear Deal in the Context of Indian Foreign Policy,' p.183.
[396] Author's interview with Ambassador Lalit Mansingh, 18th September 2012, New Delhi.

A part of the Indian government's strategy, as Dr. Venkatesh Verma at the Ministry of External Affairs revealed 'was to ensure that the decision on India was a institutional consensus and putting forth the case before the NSG, the IAEA safeguards agreement, additional protocol were all institutional decisions. It is usually said, India is a beneficiary of the nuclear regime. And in India's view we wanted to benefit from the regime by being seen as working with the regime and its laid down process.'[397] The Indian government thus deployed claims to a de-facto recognition of its possession of nuclear weapons and claims to following the due process and right procedures before the NSG. Perhaps, employing such an approach benefited India as a non-NPT state as India engaged with the NSG member as an alternate route to gain approval for India's possession of nuclear weapons and recognition for India's claims in the period that followed the 1998 tests.

In theoretical terms, this set of claims can be explained within the framework of a rationalist perspective that emphasizes the role of institutions that perform important functions for states thus making space to study India's engagement with the institutions within the nuclear non-proliferation regime. This view would suggest that states join institutions because they would be worse off without them. Moreover, not only do states seek information about others, they may also want reliably to provide information about themselves in order to enhance their credibility.[398] According to a rationalist view institutions perform important functions for states and even as a non-NPT state, India's engagement with the other non-NPT institutions within the nonproliferation regime may be understood as serving such rational institutional purposes. The Indian government's argument of a de-facto recognition of its nuclear status found ground in the context of how the United States engaged with, endorsed and backed India's case before the NSG. Moreover, India's claims also drew upon a kind of procedural legitimacy enabling the Indian government to justify an India-specific exemption, arguing that India unlike other non-NPT states had followed the right procedures and processes.

To sum up, the aforesaid set of arguments discussed in detail, came to constitute the legitimation strategies employed on the Indian side as the Indian government made attempts to assuage international apprehensions, acquire some level of acceptance for its possession of nuclear weapons and a certain degree of recognition for the claims that were being made in the aftermath of India's 1998 nuclear tests.

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[397] Author's Interview with Dr. Bala Venkatesh Verma, 17th August, 2012, New Delhi.

[398] See Keohane, Robert, 'Institutionalist Theory and the Realist Challenge After the Cold War,' in David Baldwin, ed.,*Neorealism and Neoliberalism: The Contemporary Debate* (Columbia University Press, 1993).

PART TWO

THE INTERNATIONAL RESPONSES
[THE P3, GAME-CHAMGERS & WHITE KNIGHTS]

CHAPTER FIVE

Perception of a New India in a New World

5.1 Understanding the international responses to India

International nuclear legitimacy is understood as a two-way process, explained in the context of a social recognition of India's claims by other states at a moral or normative level and 'an acceptance by others that you have that status and are a legitimate player.'[399] Given this, part two of the thesis comprising of Chapters Five, Six and Seven will address the second subsidiary question of the thesis, that is, *how and why did selected states in the international audience respond to India's claims and strategies after 1998 in the manner that they did?* Building on the two-sided explanation, the three chapters explain how and why selected states responded to the Indian government's efforts to assuage international apprehensions about India's *possession* of nuclear weapons after 1998.

Selected states are divided into three main groups: France, Russia and the United Kingdom as the P3 who strongly supported India's reconciliation efforts. The second group perceived by the Indian government as potential "game-changers" for India's fate in the NSG, included Australia, Canada, Germany and Japan—as passive supporters that eventually aligned but did not endorse the waiver as wholeheartedly as the P3. The third group referred to, as the White Knights comprised of Ireland, Austria, Norway, New Zealand, Sweden and Switzerland that formed the main opposition at the NSG and raised substantive and normative questions.[400] Given this, chapters five, six and seven outline the international responses across the three groups within four broad themes, namely— the end of the Cold War and India's economic reforms, United States' predisposition towards India, international norms and values and India's identity as a responsible and democratic state. It explains how the above factors contributed to an international perception towards India and mattered in how the selected states were able to shift from an initial denunciation to, at the very least, adopting a pragmatic approach in dealing with India's claims and arguments.

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[399] Dr. Zia Mian, Director of Project on Peace and Security in South Asia, Princeton University. Quoted in *The Rediff*, March 11, 1998. Available at: http://www.rediff.com/news/1998/may/19bomb6.htm

[400] Varadarajan, Siddharth, 'NSG Critics focus on non-proliferation benchmarks,' *The Hindu*, August 22, 2008. Available at: http://www.thehindu.com/todays-paper/nsg-critics-focus-on-nonproliferation-benchamrks/article1321541.ece

The responses of the selected states is outlined along the aforesaid themes to explain 'how' these states were able to bring about a shift in their initial responses of 1998 in the period that followed the nuclear tests. In other words, the reasons behind "why" these states responded to India's legitimation strategies in a particular manner is in turn contextualized to explain "how" nuclear reconciliation happened with India after 1998. For example, the 'heavy-lifting for persuading the dissenters' and circulating of 'Food for Thought Papers'[401] by the U.S. is contextualized in the larger legitimation process to explain how the U.S. endorsement for India enabled these other states as NSG members to approach India's claims and case. Similarly, the disintegration of the Soviet Union made Cold War-derived policies 'neither "fit" the region, nor lead promisingly to the fulfillment of diverse interests in South Asia.'[402] Furthermore, 'it is important enough' as Cohen illustrates that 'because of its size, its commitment to democratic ideology, its strategic and scientific potential, and its new status as a big emerging market"— that it [India] cannot be ignored.'[403] The end of the Cold War and economic factors are explained as contextual reasons that contributed to a perception of a "new India" in a "new world" and thus embedded the strategic interaction between India and the targeted audience. Arguably, this also provided a different and perhaps a more feasible context for a possible evaluation of India as a possessor of nuclear weapons.

The discussion also highlights how this theme particularly enabled the game-changers to adopt an approach of political and economic pragmatism towards India as early as in 2000. Similarly, the discussion in the Chapters Six and Seven highlights the manner in which an emerging notion of "responsible proliferation" and India's identity as a responsible nuclear state made it possible for example, the game-changers 'to not come in the way' by responding to the opportunity created by the prevalent norm against horizontal proliferation, shared value of democracy and the idea of a rogue state in a post-Cold War nuclear order. Here again, the game-changers support for India or perhaps their succumbing to U.S pressure might explain the "why" of their response to a certain extent but it does not explain "how" they were able to do so in the context of their own normative commitments, domestic policy and strategic considerations.

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[401] Mansingh, Lalit, 'The Indo-US Nuclear Deal in the Context of Indian Foreign Policy,' in P. R. Chari (edited) *Indo-US Nuclear Deal: Seeking Synergy in Bilateralism,* Routledge India, 2009, pp.183.
[402] Cohen, Stephen, P.,'The United States and India: Recovering Lost Ground,' *SAIS Review*, vol. 18, No.1, Winter-Spring, 1998, p.99.
[403] Ibid.

Moreover, the audience side reveals how the responses of these other states towards India was not based solely on materialist or strategic reasons nor was their support to India justified on these grounds alone, either domestically or internationally. The shared norms and values served as an important basis for judgments and also enabled the process of reconciliation that was indeed shaped by U.S pressure, geo-political considerations or economic and trade interests of other states. However, a normative space made it possible for states to occupy and engage in this space thereby enabling a "give and take" between India and these other states. For example, the White Knights or the 'like-minded states,' namely Norway, Ireland, Switzerland, the Netherlands, Austria and New-Zealand raised substantive questions, calling for stricter conditions and commitments from India and 'a tighter language tying the NSG' waiver to those commitments,'[404] thus emphasizing a normative link between India's waiver and the nuclear non-proliferation regime, particularly, the NPT.

The discussion on international norms, values and ideas underlines their strategic ability to induce certain kinds of responses thereby unraveling the process of 'how' did the world actually warm up to a nuclear India[405] in the period that followed India's nuclear tests of 1998. Strategic and materialist dimensions are discussed as key themes. However, norms, ideas and values that circumscribe the strategic interaction and 'the terrain of discussion'[406] are equally pertinent to explain the puzzle of how a tacit acceptance for India's possession of nuclear weapons actually came about. The response of selected states along the three groups or categories also underlines a variation in their response in the context of their respective materialist, strategic and normative stakes. Given this, the international responses are outlined along four overarching themes, namely: (i) End of the Cold war and Economic Reforms (ii) U.S. Predisposition and Response to India; (iii) Role of Shared Norms and Beliefs; (iv) Responsible Nuclear Behavior (v) Democracy and Development. The first two themes highlight a power/interest account and the role of normative and ideational factors is discussed in chapters six and seven. The separation is for structural purposes to highlight the different reasons for India's accommodation on the response side. However, it is interplay of norms and strategy that best explains the response side and not an extreme view that dismisses either/or explanation.

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[404] Varadarajan,Siddharth,'NSG critics focus on non-proliferation benchmarks,' *The Hindu*, August 22,2008.
[405] Sullivan, Kate, H., 'How the World warmed to a Nuclear India', *Inside Story*, 3, May 2012.
[406] Varadarajan, ,'NSG critics focus on non-proliferation benchmarks.'

5.2 End of the Cold War and India's Economic Reforms

In acknowledging material and strategic factors, this section discusses how the end of the Cold War/ collapse of the Soviet Union and India's economic liberalization/reforms facilitated international responses to India. These factors provided a strategic context for an interaction between India and selected states enabling the latter to become more receptive to India's claims. However, these factors also enabled a perception of a 'new India in new world' and that affected the manner in which India's claims were received by other states in the targeted audience. During the Cold War years, Prof. Chari takes note of how 'India had put too many eggs in the Soviet basket. After the end of the Cold War, India was indeed looking for a strategic ally in the West.'[407] The end of the Cold War brought a 'change in the constellation of forces in the world,' Lt. Gen. Menon emphasized 'that had a trickle- down effect and as such contributed to and made possible the shift in perceptions towards India. It also helped in making some movement in India's engagement within the nuclear regime.'[408]

India's economic reforms and the end of the Cold War may be analytically separate, however, 'as a practical matter, they took place in tandem' and 'India's economic transformation in the early 1990s cannot be separated from the Cold War's end.'[409] While 'the Cold War's end made it exceedingly difficult for India to continue with its policies of non-alignment and Third World solidarity,'[410] Ganguly and Mukherji argue elsewhere, that in the absence of 'the Soviet collapse, along with its model of state-led development, India's policymakers would have found it much harder to finally bid adieu to the state-led, autarchic model of economic development that had neither generated significant economic growth nor substantially reduced poverty.'[411] The 'fundamental transformation of the global order after the end of the Cold War induced India's foreign policy makers to reorder the countries priorities.'[412]Similarly, 'India's decision to embark on economic liberalization and globalization,' perhaps 'had a far bigger impact on India's foreign policy than the end of the Cold War.'[413]

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[407] Author's Interview with Prof. P. R Chari, Former IAS officer and director of Institute for Defense Studies and Analyses (IDSA). New Delhi, 19th July 2012.
[408] Author's interview with Lt. Gen. (Retd) Prakash Menon, Military Adviser, National Security Council Secretariat, Secretary to Government of India, New Delhi, 16th October, 2012.
[409] Ganguly, Sumit and Rahul Mukherji, 'India emerging?', Asia Policy, no. 14 (July 2012), p.127.
[410] Ganguly, Sumit and Rahul Mukherji, 'India Since 1980,' *BOOK REVIEW ROUNDTABLE*, New York: Cambridge University Press, 2011, p.55.
[411] Ganguly and Mukherji, India emerging?', p.127.
[412] Ganguly and Mukherji, 'India Since 1980', p.21.
[413] Raja mohan, C., India's Foreign Policy Transformation, *BOOK REVIEW ROUNDTABLE*, New York: Cambridge University Press, 2011, p.109.

Thus, the Cold War ended at a time when India was facing a financial crisis and that required 'India to restructure its dependence on the Soviets for markets and imports. The early 90's witnessed economic reforms and deregulation of the public sector, opening the Indian economy to private sector investment and international trade and dealing with India's foreign exchange crisis from its import obligations. This was thus seen as an opportunity 'to chart a new course of economic engagement with Asia, the United States, and parts of the Western world, which had benefited from global economic interdependence during the Cold War.'[414]

India's blueprint for economic reforms was officially drafted and implemented during this period in the 90's and with 'the onset of economic reforms in 1991,' Dr. Sethi explained how 'India's nuclear tests were evaluated in the backdrop of India having acquired a certain economic strength which it did not possess earlier indicating India's ability to bear the weight of international sanctions.'[415] India's economic reforms in 1991 squared the circle for a "new India" a factor that perhaps partially, explain India's 'nuclear assertiveness,' despite its 'post-Cold War blues'[416] after the dissolution of the Soviet Union. The impact of the economic reforms and the end of Cold War can be seen in the rapprochement of other states and their acknowledgement that sanctions against India were not sustainable. In other words, the timing of India's nuclear tests in 1998 was strategically relevant because, as Ambassador Parthasarathy acknowledged that 'by1998 the Indian government had the ability to bear sanctions and the economic consequences. This shared belief that India was capable to deal with the international sanctions that were to follow its nuclear tests enabled an approach of economic pragmatism towards India.'[417] Similarly, Ambassador Chandra explained how international perceptions 'were partly influenced by the fact that the international sanctions cannot do much to hurt India without hurting their own interests and whatever sanctions these countries imposed, India could live with it. So it surely *enabled* a certain level of equilibrium.'[418]

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[414] Ganguly and Mukherji, 'India Since 1980', p. 85.

[415] Authors Interview with Dr. Manpreet Sethi, Senior Fellow, Head of the Nuclear Security project at Centre for Air Power Studies, New Delhi, 19th December 2012.

[416] Kavalski, Emilian, *India and Central Asia: The International Relations of a Rising Power*, Palgrave Macmillan, 2010, p. 29.

[417] Author's Interview with Mr. Gopalapuram Parthasarathy on 27th Sep. 2012 at New Delhi. Deputy Secretary (1976-78) Ministry of external affairs); Counselor (Political and Press) Embassy of India, Washington D.C; information advisor and spokesman for PM Rajiv Gandhi (1985-90).

[418] Author's interview with Ambassador Naresh Chandra, Former Cabinet Secretary (1990–92), Former Indian Ambassador to the United States (1996–2001) and the current Chairman of National Security Advisory Board on 4th January, 2013, New Delhi.

There was an emerging "perception of a new India in a new world"[419] and by 1998 Richard Lennane pointed to, how 'India had taken the political and economic measures and integrated internationally. So it was much more hard to maintain sanctions for too long and shun a country which had a more networked presence internationally.'[420] Similarly, it made it more difficult to ignore India's claims given the strategic context in which India was engaging. An underlying tone in the response of particularly, the game-changers demonstrates how an international perception of a 'new India' and global developments of a 'new world' enabled this group of states to adopt an approach of political and economic pragmatism towards India, shortly within a time period of two years following India's tests in 1998. The response of the game-changers highlights a shift from "denunciation" in 1998 to a process of "normalizing relations" with India by 2000. For example, in the case of Canada, the 'period of bilateral indifference'[421] between 1976 until the 1990's ended as Canada undertook 'engagement initiatives, which included the removal of most sanctions in April 2000.[422]

Canada's 'pragmatic approach *after* 1998 might be summed up in recognizing,' Ambassador Rouche explained 'that by 1998 itself Canada was operating in a more pragmatic context, which also enabled Canada to be pragmatic in its conduct and assessments of India.'[423] On a similar note, Australia's position also stands out in the 2000 NPT Review Conference as it was characterized by an 'underlying pragmatism' in its 'approach to arms control questions."[424] Despite the fact that this conference took 'on a more symbolic value than previous gathering' as first the conference 'after the 1995 indefinite extension' of the NPT and India's 'gate crashing of the nuclear club.'[425] This sense of pragmatism, the Australian diplomat explained was accompanied with 'a bit of shrugging your shoulders to signal that this is inevitable. There was more pragmatism as there was a lot of pushback as to why must Australia condemn India when we are under the U.S. nuclear umbrella. So there was a sense of reality also in the sense that this is only so far you can go in pointing fingers.'[426]

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[419] This was a recurring theme in the interviews to explain a difference in international perception after 1998.
[420] Author's Interview with Mr. Richard Lennane Australian Foreign Service. Former Head, Implementation Support Unit, Biological Weapons Convention (BWC) 1st September 2014 at The Hague.
[421] Touhey, Ryan, 'Canada and India at 60: Moving Beyond History?' *International Journal*, 2, Autumn, 2007.
[422] Rubinoff, Arthur, 'Canada's re-engagement with India,' *Asian Survey,* 42, no. 6, (Nov-Dec),2002, p.854.
[423] Author's Skype interview with Ambassador Douglas Rouche Senator (1998 - 2004), Member of Parliament Canada (1972-1984), Ambassador for Disarmament (1984-1989), Chairman of the United Nations Disarmament Committee (1988), Former Chairman, Canadian Pugwash (1998-2003) and Middle Powers Initiative (1998-2008), October 3rd, 2014.
[424] Hanson, M and Ungerer, CJ, *The Politics of Nuclear Non-Proliferation*, Sydney, Allen & Unwin, 2001,p.88.
[425] Ibid., p.73.
[426] Author's interview with Australian diplomat Mr. Richard Lennane, 1st September ,2014, The Hague.

At the NPT Review Conference in 2000, the Australian Foreign Minister spoke of 'realistic options' for future progress instead of dwelling over 'contemporary disappointments' which 'would not only be illogical but would risk devaluing the essential role of the treaty.'[427] Australia's initial reaction that underlined 'the similarities between the Indian and Pakistani Proliferation' was soon replaced with a sense of 'normalization of the Canberra-New-Delhi relationship' indicating that Australia would treat 'the Indian case differently from Pakistan.'[428] The Australian parliamentary debates during this period also indicate Government's 'virtual policy silence' on India, instead emphasizing upon strategic and political realities.[429] Despite domestic pressure to 'take a more comprehensive stance on the nuclear fuel cycle given its own role as a uranium exporter and promote the Canberra Commission report far more aggressively'[430] or to align with the New agenda Coalition (NAC)[431] –the Australian government along with Canada and Japan remained outside the NAC amidst 'pressure from the US not to join the NAC or support NAC resolutions at the UN general assembly in previous years.'[432]

By 2000, Germany and India also established a strategic partnership way before other European countries even thought about doing so. German political counselor at the German Mission in New Delhi Dr. Wasielewski explained how Germany tackled the question dealing with a nuclear India:

> There was a debate within the government. The question was if we give India a waiver it will run counter to our initial position in 1998 and may encourage others to try their luck, so on and so forth. But then there was a more pragmatic stream that we cannot rewrite history and with the end of the Cold War and collapse of the Soviet Union, called for a different approach to deal with India. This pragmatism was influenced by similar international perceptions and the global context. There was a realization that if the toothpaste is out of the tube it cannot be put back in. So, in our view India had tested, which we regretted. The perception regarding India had changed considerably and India was now seen as an economic and strategic partner.[433]

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[427] Speech by the Australian Minister for Foreign Affairs at the NPT Review Conference, 25th April 2000. Full text available at: http://foreignminister.gov.au/speeches/2000/000425_npt.html

[428] Lyon Rod, 'Australia: Back to the Future?' in Muthiah Alagappa edited '*The Long shadow: Nuclear Weapons and Security in 21st Century Asia,*' Stanford University Press,2008, pp: 443.

[429] The Parliamentary Debates. The House of Representatives, No.17, 2003, pp: 22134 -22135.

[430] The Australian associated Press 2000b.

[431] The NAC was formed in 1998 with Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden for a 'clear and unequivocal commitment' by NWSs for elimination of nuclear weapons.

[432] Hanson and Ungerer, *The Politics of Nuclear Non-Proliferation*, p.75.

[433] Authors interview with Dr. Lukas Wasielewski Counsellor, Political Counselor, Embassy of the Federal Republic of Germany at New Delhi, November 26th, 2012.

Similarly, Japan, had also within two years of India's tests, taken steps that ended 'the six-decades of virtual stagnation in bilateral relations'[434] with Japan's Prime Minister Mori Yoshiro's visit in 2000 and a global and 'strategic partnership' in 2005. Japan's final position at the NSG plenary on August 19th, 2008 was that Japan would *not stand in the way* of revising the guidelines at the upcoming NSG extraordinary plenary meeting. Japan's Deputy Director and Special Assistant for Disarmament and Non-Proliferation, Ministry of External Affairs explained, 'the difference with regard to how India's nuclear behavior was evaluated by 2000-2001 than it was immediately after the 1998 tests was also partially, the tendency to evaluate and engage with India's claims in the background of India's economic strength and the political developments with the end of the Cold War contributed to a pragmatic approach even by Japan.'[435] India's strategic tilt was primarily towards the Soviet Union. However, the end of the Cold War Ambassador Rouche argued 'contributed to a change in international perceptions towards India. India's claim achieved a higher recognition and acceptance because the general feeling about India's conduct from an outsider's point of view was now being evaluated in the context the end of the Cold War.'[436]

India of 1998 was different with the liberalization of its economy, growing GDP and increased economic trade and development that were explanatory factors. As prior to that India was seen as a developing country that had a closer alliance with the Soviet Union. However, with the end of the Cold War, Dr Meier explained, how from Germany's perspective 'it was now considered costly to isolate India as other countries in Europe re-positioned themselves visa-vi India.'[437] Surely the timing of reconciliation, Dr. Sethi argued, is partially explained by 'economic reforms, because, one, in 1998 India was able to handle and deal with the sanctions economically, and two, the world specially close U.S allies such as Canada, Australia and Germany seen as the key players knew that India's economy is opening up and the market potential of India was huge. The economic factors enabled international perceptions of how a nuclear reconciliation with India could happen and be possible.'[438]

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[434] Rajaram Panda, 'Changing Dynamics of India-Japan Relations: Future Trends,' in Akihiro Iwashita, ed., *India-Japan Dialogue: Challenges and Potential* (Sapporo: Slavic Research Center, Hokkaido University, July), 2011, p. 8. Available at: http://src-h.slav.hokudai.ac.jp/rp/publications/no06/01_Panda.pdf

[435] Author's Phone Interview with Mr. Michira Nishida, Deputy Director and Special Assistant for Disarmament and Non-Proliferation, Japanese Ministry of External Affairs, Japan, 18th December, 2014.

[436] Author's Skype interview with Ambassador Douglas Rouche, October 3rd, 2014.

[437] Author's Skype Interview with Dr. Oliver Meir Senior Researcher at the Stiftung Wissenschaft und Politik (German Institute for International and Security Affairs - SWP) Senior Researcher at the Institute for Peace Research and Security Policy at the University of Hamburg International Correspondent and Representative of the Arms Control Association. 26th November 2014.

[438] Author's interview with Dr. Manpreet Sethi, 19th December 2012, New Delhi.

Prior to 1998, 'India was not in a position to influence the global community' recalled Senator Rouche, 'Canada started to soften our stance partially due to increased trade and technology transfers that would become available. Our government was driven by a fear that it would lose out in the expanding nuclear technology in the 21st century.'[439] Canada's decision to join the NSG consensus was 'to facilitate a more comprehensive and robust bilateral relationship'[440] sustained by a belief that 'bilateral economic cooperation could be possible only with a revision of the nuclear relationship'[441] enabling as Chancellor Jurshwesky explained for 'Canada to tap India's huge market and offer jobs to Canadians.'[442] After 1998, Ambassador Mansingh explained how 'the world was looking at India not as a black hole as India was earlier depicted, but a billion dollar market.'[443] An 'overwhelming economic reasons and a pragmatism that sanctions would not work on India,' an Australian diplomat noted 'led to a realization to move on.'[444] Similarly, First Secretary at the Australian Mission also acknowledged that 'at the time of the NSG waiver, the international community was seeking to engage more actively with India, for several reasons, including India's growing economic significance.'[445]

In explaining this link between international perception and India's economic rise, Chairman of India's Atomic Energy Commission argued 'when a child is young one may choose to wield a stick if they are non-compliant, but when the same child becomes older and financially independent, who will dare to wield a stick.'[446] By 1998, India's economic reality was different from the 70's and 80's. Moreover, after '1998 the world was characterized by the rise of India in a different geo-strategic context,' as Canadian Chancellor Jurschwesky noted, 'economic factors affected the kind of political calculations that took place and vice-versa. India was perceived differently because circumstances changed. India's role in the world changed because of India's economic rise and the context in which things were happening made other states more receptive to India's claims,'[447] enabling engagement and negotiation rather than merely a hard line approach.

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[439] Author's Skype interview with Ambassador Douglas Rouche, October 3rd, 2014.
[440] Sethi, Manpreet, 'The Indo-Canadian nuclear relationship: Possibilities and challenges,' *International Journal*, 2014, p.6.
[441] Ibid.
[442] Author's interview with Chancellor (Political and Economic Affairs) Mr. Sven Jurshwesky at the Canadian High Commission, New Delhi, 3rd August' 2012.
[443] Author's interview with Ambassador. Lalit Mansingh, Former Indian Ambassador to United States (2001-2004) and Foreign Secretary (1999-2000), New Delhi, 18th September 2012.
[444] Author's interview with Mr. Richard Lenanne, 1st September 2014, The Hague.
[445] Author's Interview with The First Secretary Ms. Claire Elias, January 21st, 2014, New York.
[446] Author's Interview with Dr. Anil Kakodkar, former Chairman of the Atomic Energy Commission (AEC), Secretary to the Government of India, Department of Atomic Energy (DAE). As former Director of the BARC he was part of the team involved in the 1998 nuclear tests, New Delhi, 10th November 2012
[447] Author's interview with Chancellor Sven Jurschwesky, 3rd August' 2012, New Delhi.

India's liberal economic policies surely enabled India to be seen as a potential opportunity, a huge market and a viable trade partner, a factor that affected engagement of the P3 and the game-changers with India. It also constrained the white knights from merely wielding a stick evident from the negotiations and a "give and take" with India at the NSG. Economic considerations factored in sustained by a belief that India was 'taking attitudes to the agreement as a litmus test of countries' relations with it'[448] thus responses to India's waiver is likely to impact existing trade relations. The Irish Times reported that the Irish Foreign Affairs Minister Dermot Ahern stated 'from a purely non-proliferation point of view...facilitating nuclear co-operation with a non-member of the NPT is in principle deeply disturbing' acknowledging 'that India's rapidly- increasing economic importance is weighing heavily on members of the Nuclear Suppliers Group.'[449]

Another member in the Irish Parliament reportedly observed that 'the choice now facing the Government 'is a very difficult one,' as it tries to protect the non-proliferation treaty and, yet, not damage trade ties to India.' As an Irish trade delegation visited India to strengthen trade links, the report concluded that 'future trade deals with India, one of the world's fastest growing economies, could suffer if the Government blocks the United States' decision to sell nuclear technology to India.'[450] Similarly, Sweden as 'a non-proliferation and disarmament powerhouse'[451] with a policy centered on 'disarmament and effective verification' witnessed a decline in 'disarmament activism' particularly after 2006.[452] Much like its counterparts in EU, Sweden shifted its focus on disarmament to WMD proliferation evident in its 'position in various arms controls forums features both a pragmatic, security-based, and principled approach' with 'idealism giving way to pragmatism.'[453] As the largest exporter of arms in the world and India was one of the 'the world's two largest arms importers in both 2003–2007 and 2008–12,'[454] it might be suggested, perhaps also accounted for Sweden's relative silence on the Indo-US nuclear deal in 2006 within its group of White Knights.

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[448] Statement of the Irish Foreign Minister Dermot Ahern. Qouted in Hennessy, M., 'Trade loss risk if India nuclear deal is blocked,' *The Irish Times*, 8 Jan.2007.
[449] Ibid.
[450] Ibid.
[451] Bergenäs, Johan, 'The Rise of a white Knight state: Sweden's Non-Proliferation and Disarmament History,' *Nuclear Threat Initiative*, Feb. 10, 2010.
[452] Becker-Jakob, Una, Gregor Hofmann, Harald Müller and Carmen Wunderlich, 'Good International Citizens: Canada, Germany and Sweden' in *Norm Dynamics in Multilateral Arms Control: Interests, Conflicts, and Justice*, edited by Müller, Harald & Carmen Wunderlich, Athens, University of Georgia Press, 2013, p.225.
[453] Ibid, p.231.
[454] SIPRI, Arms Transfers Database, May 2013. http://www.sipri.org/databases/armstransfers/armstransfers

5.3 U.S. Disposition & Response to India after 1998-2008

By contextualizing the kind of arguments employed by the United States— to justify nuclear rapprochement with India after 1998, its civilian nuclear agreement in 2004 and India-specific NSG waiver in 2008—this section explains the manner in which the U.S predisposition towards India paved the way for other states to shift from an initial response of denunciation towards a process of normalizing relations with India after 1998. In doing so, the discussion highlights which arguments were more appealing to which states and how it made possible an alignment and for other states to revaluate their approach towards India. The response of the United States between 1998-2008 can be seen in two phases. The first phase is the last two years of the Clinton administration between 1998-2000 where, as Ambassador Sharma noted that a 'fair deal of progress had been made during this period because of which there was a certain predisposition in the U.S. to understand the Indian view.'[455]

The second phase can be seen during the two terms of President George W. Bush between 2001-2004 and 2005-2008 respectively. The strategic dialogue during the Clinton Presidency served well to normalize Indo-U.S. relations. However, a concrete shift came with the Bush administration that proactively engaged India treating a strategic partnership with India as part of the solution to problem of proliferation. The Bush Administration abandoned the policy of 'Cap, Roll back and Eliminate'[456] under the Clinton Administration. Ambassador Saran, foreign Secretary, Prime Minister's Special Envoy for Indo-US civil nuclear issues elaborated:

> The Clinton administration insisted on four main things, India signing the FMCT, the CTBT, requiring an understanding of the Indian nuclear doctrine and India's export controls. The Clinton Administration wanted progress on all of these four, however, the Bush administration discontinued this approach and relaxed the demands on India. After the attacks of 9/11 the focus shifted and the U.S. started talking about counter-proliferation, which actually implied interventions and preemptions and the nuclear security initiatives. India was responsive to U.S. on these concerns, which assisted this change in perceptions.[457]

[455] Author's Interview with Ambassador Sheel Kant Sharma, 3rd August 2012, New Delhi.
[456] Mansingh, The Indo-US Nuclear Deal in the Context of Indian Foreign Policy', p.179
[457] Author's Interview with Ambassador Shyam Saran, 10th August, 2012,New Delhi.

Broadly speaking, the relevant U.S arguments to garner support and initiate a process of "differential treatment" for India are explained as three-fold. The first set of argument employed by the U.S. was that 'the founding logic of the NPT is to prevent proliferation and as India remains outside that framework, a parallel process outside the NPT must be initiated so that India might be brought under the banner of counter-proliferation measures' as this 'would enhance India's inclusion into the global non-proliferation network.'[458] This argument mattered for the White Knights that led their opposition on grounds of a normative stake in the NPT centric non-proliferation regime. Nevertheless, it also facilitated the game-changers to support India's waiver, enabling a passive support amidst domestic dissent and pressure. The U.S. argued that bringing India's civilian nuclear plants under the scrutiny of the IAEA was better than having no Indian nuclear plants under international safeguards.

The above argument enabled a consideration of whether 'the advantages of having greater control over India's nuclear industry outweighed the disadvantage of weakening the NPT?'[459] The White Knights were concerned about: a) whether India's waiver would weaken the NPT; and b) it should not look like India was being rewarded for its behavior. This was partially addressed by this sort of an umbrella argument employed by the U.S. The white knights were strategically targeted with the argument, as Ambassador Saran explained 'that embargoes may have delayed India's acquisition of nuclear capabilities but it had not stopped India to possess a full range of nuclear capabilities. The U.S. argued for a global consensus on how to prevent proliferation of sensitive technologies and to have one such potential source of such technology, that is India, working with you rather than you targeting it.'[460] This is 'exactly what Bush argued' Ambassador Mansingh reaffirmed 'that instead of keeping India outside the tent it is better to get India inside the non-proliferation tent and this appealed to and resonated with the White Knights.'[461] Thus, as Dr. Philip White noted 'the manner in which the U.S went about 'persuading, cajoling and influencing other states to change their opinion and approach towards India's nuclear behavior'[462] enabled the game-changers to not come in the way of India despite reservations.

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[458] Nayudu, Swapna Kona 'The Nuclear Deal and the Non Proliferation Debate', in P. R. Chari (Ed.), *The Indo-US Nuclear Deal: Seeking Synergy in Bilateralism,* Routledge, New Delhi, 2009, p.162.
[459] Interview of New Zealand's Disarmament Minister in the New Zealand Herald, 14th August, 2008.
[460] Author's interview with Ambassador Shyam Saran.10th August, 2012,New Delhi.
[461] Author's Interview with Ambassador Lalit ManSingh, 18th September 2012, New Delhi.
[462] Author's Skype interview with Dr. Philip White, International liaison officer at the Citizens' Nuclear Information Center, Tokyo, Japan, November 29,2014.

As Australian diplomat Mr. Richard Lennane explained this approach 'as simply not being the first country to object' elaborating that:

> Since the U.S. had already taken the leap that India was a good and responsible country, therefore, the U.S. endorsement and pressure was hard to resist. For countries that you refer to as the game-changers, the question was also about who went first. The U.S. worked very hard to ensure that nobody went first. So the pressure in this sense was don't be the first one. If someone else blocks it then we understand but don't be the first. So nobody went first and nobody obstructed the waiver. [463]

The U.S argument could be found in the White Knights' responses where 'summing up the Austrian position' in an official statement the Austrian Foreign Ministry explained that the NSG waiver would help in 'bringing India closer to the international non-proliferation regime.'[464] It was argued that India's specific agreement with the IAEA 'would result in a tangible increase in security and a strengthening of the international non-proliferation regime.'[465] Similarly, explaining Netherland's support, the Foreign Minister remarked, 'India is not a signatory to the nuclear non-proliferation treaty and had been unable to work with the NSG up to now. Under the new arrangements, India will strictly separate the military and civilian parts of its nuclear industry. The latter will come under international supervision.'[466] The role of IAEA Director General El Baradei was particularly emphasized in the response of White Knights as someone 'who played a decisive role in the negotiations with India, and recommended the conclusion of this agreement.'[467] In acknowledging tough negotiations with White Knights, key members of India's negotiation team also affirmed his role in facilitating a dialogue. India's National Security Advisor shared an account of a meeting with Mr. El Baradei stating, 'it is he, who explained that we present our case in an acceptable fashion, also giving us part of the language to convince the White Knights that India's inclusion strengthened the regime.'[468]

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[463] Author's Interview with Richard Lennane Australian Foreign Service. Former Head, Implementation Support Unit, Biological Weapons Convention (BWC) at The Hague, on 1st September 2014.
[464] Press Statement by the Austrian Foreign Ministry on NSG Exception for India 1st September 2008.
[465] Press Statement by the Austrian Foreign Ministry on the Decision of the IAEA Board of Governors regarding the Safeguards Agreement with India. 1st August 2008.
[466] Statement by Dutch Foreign Minister Mr. Maxime Verhagen, 8th September 2008.
[467] Press Statement by the Austrian Foreign Ministry on the Decision of the IAEA Board of Governors regarding the Safeguards Agreement with India. 1st August 2008.
[468] Author's interview with former Governor of West Bengal (2010-2014) and India's former National Security Advisor (2005-2010) Mr. M. K. Narayanan at Calcutta on 6th September 2013.

An employment of language that 'would appeal to the different echelons in the different governments of these states was used,' Ambassador Sharma went on to explain that 'an argument endorsed by Mr. El Baradei was forceful as it was argued that India's mainstreaming into nuclear commerce was logical and India was willing to accept all conditions related to export control and thus be in the greater fold of the nuclear regime.'[469] Austria also explained that the nuclear deal enabled the IAEA to 'carry out comprehensive controls in India for the first time as a result of this agreement.'[470] Similarly, the Irish Foreign Minister justified 'the deal would extend the scope of IAEA safeguards over Indian nuclear facilities' also emphasizing that 'the Director General of the IAEA, Dr. El Baradei, also strongly supported the deal.'[471]

A second argument employed by the U.S. administration to garner support for India was developed around India's energy demands suggesting that 'a nuclear exception for India had supplementary benefits' that of helping India meet its future energy demands and to 'diversify India's energy profile and reduce its carbon emissions.'[472] For example, a circular submitted to the IAEA in 2008 titled "Implementation of the India-United States Joint Statement of July 18, 2005: India' s Separation Plan" read:

> The resumption of full civilian nuclear energy cooperation between India and the United States arose in the context of India's requirement for adequate and affordable energy supplies to sustain its accelerating economic growth rate and as recognition of its growing technological prowess. It was preceded by discussions between the two Governments, particularly between President Bush and Prime Minister Manmohan Singh, of the global energy scenario and the long-term implications of increasing pressure on hydrocarbon resources and rising oil prices.[473]

This 'statement on the implementation of the Indo-US agreement firmly situates deal in the context of ensuring energy supply.'[474] The argument of 'energy security' and 'the need for sustainable development' explicitly 'recognizing the significance of civilian nuclear energy for meeting growing global energy demands in a cleaner and more efficient manner'[475] facilitated countries interested in reaping benefits of nuclear trade.

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[469] Author's interview with Ambassador Sheel Kant Sharma, 3rd August 2012, New Delhi.
[470] Press Statement by the Austrian Foreign Ministry 1st August 2008.
[471] Statement of Ireland's Minister for Foreign Affairs to the Irish Parliament, 5th Nov 2008.
[472] Ibid.
[473] Information Circular, INFCIRC/731 dated 25 July 2008 from the Permanent Mission of India.
[474] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power', p. 832.
[475] Joint Statement by President George W. Bush and Prime Minister Manmohan Singh, White

Amongst, the P3, France and Russia were supporters in their own right, engaged in nuclear trade with India even prior to 1998. For the P3, the US predisposition and the Indo-US nuclear deal is best described as generating 'the positive externalities'[476] and creating a favorable environment for nuclear engagement with India. Although, in late 1998 'the French had dangled the possibility that India might, with French help, become eligible for nuclear assistance of the kind forbidden to non-NPT States.'[477] However, as a member of the EU it would have proved to be very costly for France to act unilaterally. It 'must be recognized that India's endorsement was a combined effort between France and the US that led other countries to follow suit and this started with a strong dialogue between President Bush and President Shiraq. France actively lobbied with the US to convince other countries to support India's waiver and to promote India's integration in the international nuclear trade and benefits this has for India's development and energy needs.'[478] Similarly, 'it is important 'to not overstate,' Russia's moves and support[479] 'or see them in contradistinction to the process with the US. They are part of the same process, and are best viewed holistically.'[480] The Indo-US nuclear relation also motivated the U.K to revitalize 'a neglected bilateral relationship,' mainly in 'education, climate change and counter-terrorism'[481] that had neglected bilateral relations where 'between 1999 and 2009, the UK had slipped down the ranks of India's trading partners, falling from second place to 22nd place.'[482] As 'a trusted member of the NATO and a close ally of the United States'[483] the U.S. policy on India, as British Foreign Policy Officer Mr. Chris Fitzgerald aptly concluded 'was a key enabler and facilitator for the shift in the U.K response. In this light, UK's shift was in spite of and not because of India's 1998 tests.'[484]

House, Press Release, Office of the Press Secretary Washington, DC on July 18, 2005. Available at: http://2001-2009.state.gov/p/sca/rls/pr/2005/49763.htm

[476] Rai, K. Ajay, '*India's Nuclear Diplomacy*,' Pearson Publication India, 2009, p.140.

[477] Talbott, Strobe, *Engaging India, Diplomacy, Democracy and the Bomb*, New-Delhi: Viking/Penguin Books, 2004, pp:143

[478] Authors interview with Mr. Sunil Felix, Nuclear Counselor, Embassy of France, 26th November 2012, New Delhi.

[479] In 2001 the U.S state Department expressed regret on Russia's decision to ship nuclear fuel to the Tarapur power reactors in India in violation of Russia's nonproliferation commitments However, Russia justified its supply as being 'perfectly consistent with the NSG grandfather clause, which allows members to execute commitments made prior to their joining of the 45-nation cartel. See Philip T. Reeker, 'Russian Shipment of Low enriched Urainium Fuel to India', US Department of State, 16 February 2001. Available at: http://2001-2009.state.gov/r/pa/prs/ps/2001/592.htm

[480] Rai, '*India's Nuclear Diplomacy*,' p.141.

[481] Ibid.

[482] Johnson, Jo, 'India-UK relations are founded on more than the Eurofighter Typhoon,' *The Guardian,* 9th Feb 2012.,http://www.theguardian.com/commentisfree/2012/feb/09/india-uk-relations-eurofighter typhoon

[483] Charlmers, Malcolm and William Walker, 'The United Kingdom, Nuclear Weapons, and the Scottish Question,' *The Non-Proliferation Review*, Spring, 2002, p.2.

[484] Author's interview with Mr. Chris Fitzgerald, 2nd Secretary Foreign Policy Officer, British High Commission, New Delhi, 3rd December, 2012.

A third argument employed by the United States emphasized India as a democracy and natural ally. India, argued former U.S. Secretary Condoleezza Rice 'is a democracy and that matters to us in the global role that it is beginning to play.'[485] This provided 'a sophisticated discourse that emphasized its role as a responsible nuclear power that has never contributed to nuclear proliferation in other states; the largest democracy in the developing world; and an emerging power to be reckoned with.'[486] The U.S 'war on terror' in the aftermath of 9/11 was perceived by India as an acknowledgement of 'a tentative connection between acts of terror committed against India and the United States.'[487] India was presented as a 'victim of terrorism'[488] and a process of de-hyphenation between India *and* Pakistan was also initiated. An approach that indicated that albeit the US administration would be 'expanding relations with both states, but in a differentiated way matched to their variation in geostrategic weights.'[489]

It is also fit in with the U.S. "Strategic Vision" for South Asia unveiled during the Bush Administration in 2004 underlined by attempts to 'de-hyphenate the two.'[490] This along with 'the fact that the administration initially viewed both of India's antagonists—Pakistan and China—with considerable suspicion only made senior U.S. officials more sympathetic to New Delhi's predicament' and 'the United States' larger geopolitical interests... and strategic objectives in Asia and beyond.'[491] In asking 'why should the U.S. want to check India's missile capability in ways that could lead to China's permanent nuclear dominance over democratic India?'[492] India's endorsement in the larger policy of containing China helped to 'reduce the immediate costs to the United States of exercising its military, political, and economic power to limit the growth of China as a possible rival.'[493] It also made India's claims of a 'gross asymmetry with China to the North and Pakistan to the West' as Ambassador Chandra emphasized 'resonate that much more with the audience.'[494]

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[485] Remarks by Secretary Condoleezza Rice, Washington, DC, U.S. Department of State April 14, 2005. Available at: http://2001-2009.state.gov/secretary/rm/2005/44662.htm

[486] Kienzle, Benjamin, 'The exception to the rule? The EU and India's challenge to the non-proliferation norm,' *European Security*, 24:1, 2014, p: 41.

[487] Sidhu, W.P, ' Terrible Tuesday and Terrorism in South Asia,' *South Asian Survey*, 2003, p:216.

[488] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p.833.

[489] Tellis, India as a new global power, AN ACTION AGENDA FOR THE UNITED STATES', p.1

[490] Author's Interview with Ambassador Shyam Saran,10th August, 2012, New Delhi.

[491] Tellis, 'India as a new global power, AN ACTION AGENDA FOR THE UNITED STATES', p.7.

[492] Blackwill,Robert, 'A New Deal for New Delhi,' *Wall Street Journal*, March 21, 2005.

[493] Mian, Zia and Ramana, M.V, 'Wrong Ends, Means and Needs: Behind the U.S. Nuclear Deal with India,' *Arms Control Today*, Jan-Feb, 2006, p.11.

[494] Author's interview with Ambassador Naresh Chandra, Former Cabinet Secretary (1990–92), Former Indian Ambassador to the United States (1996–2001) and the current Chairman of National Security Advisory Board on 4th January, 2013, New Delhi.

This strategic predisposition of the U.S. towards India 'enabled key U.S. allies to follow suit.'[495] The turning point came as early in 1999 where George Bush as a Presidential Candidate convened a group of advisors called the "Vulcans" to advise him on foreign and defence policy. In fall 1999, President-elect Bush convened regular meetings with the Vulcans to prepare for the new administration in 2000.[496]

> The "Vulcans", named by Condoleezza Rice, as foreign policy experts advised George W. Bush during his 2000 presidential campaign and helped shape the administration's foreign policy, especially following 9/11, including the military invasions/operations in Afghanistan and Iraq. All Vulcans were veterans of past administrations, having served under either Ronald Reagan or George H.W. Bush, and included among others Dick Cheney, Donald Rumsfeld, Colin Powell, Paul Wolfowitz, Richard Perle, Richard Armitage, Dov Zakheim Stephen Hadley, Robert Zoellick, Scooter Libby and Condoleezza Rice. In one of the Vulcans' meetings in fall 1999, George Bush raised the matter of the containment of China and greater engagement in this regard with India "the world's largest democracy", and proposed deepening US-India relations including opening up nuclear cooperation. Several of the Vulcans, reportedly advised that nuclear cooperation with India would reverse decades of bi-partisan US non-proliferation policy; but Bush told them to "make it happen". During the early years of the Bush presidency, John Bolton in the State Department successfully delayed any initiatives on nuclear cooperation with India. During the second Bush administration, following the departure of Bolton, Robert Blackwill with the assistance of Ashley Tellis, and support of Condoleeza Rice, were successful in pushing through Bush's earlier wish – leading to initial efforts by Condoleeza Rice to build support among US allies. Eventually, Bush himself was involved, along with Rice, to push through the 2005 nuclear cooperation pact with India, and during 2005-2008 exercised ways to convince allies to push through a so-called "clean waiver" at the NSG. Much to the unhappiness of several key western allies – over time even Australia and Canada, supported nuclear trade with India and its membership in the NSG. The U.S. changed its position and influences its allies to follow suit driven by geo-political considerations to check the rise of China as a regional power and eventual global power – this has continued under Obama with the "pivot to Asia". The repercussions for the NPT regime are still unravelling.[497]

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[495] Author's interview with Prof. P. R. Chari, 19th July 2012. New Delhi.

[496] See Mann, James, '*Rise of the Vulcans: The History of Bush's War Cabinet*,' 2007.

[497] Author's Interview with Mr. Tariq Rauf, Director of SIPRI's Arms Control and Non-proliferation Programme. Senior Advisor to the Chair of the 2014 Preparatory Committee for the 2015 Non-Proliferation Treaty (NPT) Review Conference. From 2002 to 2011, Head of the Verification and Security Policy Coordination Office at the International Atomic Energy Agency

Rice who led the Vulcans wrote about 'promoting the national interest,' and the 'pursuit of key priorities'[498] widely seen 'as the blueprint for a Bush administration foreign policy.'[499] She emphasized the 'threat of rogue regimes,' stronger relations 'with allies who share American values,' 'the role of values,' 'the promotion of democracy,' and balance of power vis-à-vis China with a 'closer attention to India'[500] as an element in US strategic calculations. A strategic outlook de-linking India and Pakistan was 'determined to discard the South Asian prism helped shape a paradigm shift' towards India.[501] This 'initiated a change in the external outlook on India and instead of the hostility immediately after 1998, India started getting feelers for closer relationships within a global non-proliferation order.'[502]

The US unilateral policy on non-proliferation had a multilateral effect and its 'strategic predisposition made it possible for allies, including Canada and those under its nuclear umbrella to look at India differently.'[503] Historically, 'Canada's function in the region was to act as a conduit between Washington and New Delhi when they had strained ties'[504] and 'Canada's 'mutual security concerns with the United States have overshadowed all other foreign policy issues.'[505] Thus, 'influenced by the American change of heart' Canada 'found it prudent to follow its ally.'[506] The US position on India 'changed the political terrain of how India was approached even though all the legal problems still existed,' Chancellor Jurschwesky further explained that 'it changed the politics and the politics was different because the environment was different. The 2005 Indo-US nuclear agreement created a situation to accommodate India with its nuclear weaponry within the existing rules. The IAEA-India umbrella agreement and the IAEA acceptance of India's offer list all added up to a tacit acceptance and this eventually influenced the response of U.S allies towards India, including that of Canada.'[507]

(IAEA), reporting to the Director General, in which capacity he dealt with high-priority verification cases involving Iran, Iraq, Libya, North Korea, South Korea Syria. Alternate Head of IAEA delegation to NPT Conferences from 2003 to 2010. IAEA Liaison and Point-of-Contact for multilateral control regimes and UN Security Council committees.

498 Rice, Condoleezza, 'Campaign 2000: Promoting the National Interest,' *Foreign Affairs,* January/February 2000 Issue. Available at: https://www.foreignaffairs.com/articles/2000-01-01/campaign-2000-promoting-national-interest

499 Walker, Martin, 'India's Path to Greatness,' *The Wilson Quarterly*, Summer, 2006. http://archive.wilsonquarterly.com/essays/indias-path-greatness

500 Rice, 'Campaign 2000: Promoting the National Interest.' .

501 Srivastava, Siddharth, 'India through the Rice Prism,' *The Asia Times*, November 18, 2004. Also see Koshy, Ninan,*Under the Empire: India's Foreign Policy*, Leftword Books, 2006, p.268.

502 Author's interview with Ambassador Lalit Mansingh, 18th September, 2012, New Delhi.

503 Author's Skype Interview with Ambassador Douglas Rouche. October 3rd, 2014.

504 Rubinoff, Arthur, 'Canada's re-engagement with India,' *Asian Survey,*42, no. 6, (Nov-Dec),2002,p. 854.

505 Ibid., p.855.

506 Sethi, Manpreet, 'The Indo-Canadian nuclear relationship: Possibilities and Challenges,' *International Journal*, 2014, p. 5.

507 Author's Interview with Chancellor Sven Jurschwesky, 3rd August, 2012, New Delhi.

For Germany also a 'strong integration into the NATO military alliance, its past dependence on the U.S. nuclear umbrella and its close transatlantic partnership with the United States'[508] influenced how Germany perceived and responded to the United States' support for India. There was also 'obviously considerable fear of angering Washington or New Delhi by criticizing the deal'[509] and 'the German government seemed 'to want to avoid the topic' and seen to be 'hiding behind partners and allies.'[510] Germany's passive stance on India stands out amidst the opportunities it had to determine the 'the conditions for lifting sanctions on India or allowing and supporting the NSG waiver.'[511]

For Germany it 'would also be extremely costly to not support the U.S. on this. While Germany was the chair of the NSG, if it had not heard India's case then the U.S. would have termed it partial. As some diplomats confirmed to me,' Dr. Meir expressed, 'Germany indeed facilitated the statement made by the Indian diplomat at the NSG to bridge the gap between India and other NSG members.'[512] The passive 'role of Germany, ostensibly the NSG chair' was evident as 'the Germans apparently sat on their thumbs and let the Americans run the show and keep asking for more consultations despite the remaining differences. A more competent and less biased chair would have provided more balance and would have adjourned the meeting Friday night when it was clear there was still disagreement on some fundamental issue."[513] Emphasizing the role of the United States in pushing India's waiver, the German Counselor explained that 'a decision, which may have been taken anyway, but maybe a little later, however, with a clear U.S position on India, also made Germany make up its mind. The U.S. as a strong advocate convinced Germany. There was a debate but in the end having assessed the merit of India's behavior, Germany agreed with the reasoning behind the decision. I would not say we simply followed the U.S but there was a case that the U.S. made for India, which in our view was convincing.'[514]

Similarly, a prevalent U.S. predisposition towards India enabled the Australian government to justify Australia's support to India's NSG waiver in the context of the arguments adopted by the Bush Administration that included 'shared democratic values,'

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[508] Meier, Oliver, 'The US-India Nuclear Deal: The End of Universal Non-Proliferation Efforts?' *International Politics and Society,* Number 4 (2006), pp: 28-43.
[509] Muscat, Sabine 'Auswärtiges Amt streitet über Nuklearexporte an Indien,' *Financial Times Deutschland*, Febr 23, 2006
[510] Meier, 'The US-India Nuclear Deal: The End of Universal Non-Proliferation Efforts?', p. 40.
[511] Ibid.
[512] Author's Skype Interview with Dr. Oliver Meier, 26th November, 2014.
[513] Statement by Daryl F. Kimball of the Arms Control Association (U.S.) quoted in Bidwai, Praful, 'India/US: Nuclear Waiver:Blow to Non-Proliferation,' *Interpress Service*, September 7, 2008 Available at: http://www.ipsnews.net/2008/09/india-us-nuclear-waiver-blow-to-non-proliferation/
[514] Authors interview with Dr. Lukas Wasielewski. November 26th, 2012, New Delhi.

India's relatively good non-proliferation record in comparison to states such as Iran that engaged 'in proliferation activities while enjoying the right to import nuclear materials and technologies for 'peaceful purposes.'[515] Although, the labor government announced in January 2008 that a uranium sale 'will not occur under the new government' because of Australia's 'long-standing commitment of not exporting, Uranium, Australian Uranium, to nations who are not party to the Nuclear Non-Proliferation Treaty (NPT).'[516] Yet, there was an apparent shift in the Australian Position as the Government carefully stated that Canberra may not supply uranium to a non-NPT India but 'it will not stand in the way of other international suppliers.'[517] The Australian government stated it had 'not yet made a decision on whether to block uranium sales to India by other countries. Australia appreciated the significance of the US-India deal and would take that into account in the Government's response.'[518] Australia's support, the First Secretary Ms. Claire Elias explained 'was influenced by the US-India nuclear cooperation agreement that was a pivotal point in discussions on how the NSG would consider India. The US-India agreement and the associated commitments made by India at the time influenced Australia's NSG decision.'[519]

As the United States engaged with India, the Japanese Foreign Policy Officer explained how 'one after the other states gave in. Perhaps one could say it was interests of economic trade facilitated by the U.S. response to India.'[520] This reconciliation policy where the Bush Administration not only extended support but strongly endorsed international support for India's NSG waiver was an enabling factor in bringing about the subsequent shift in Japan's response towards India. Amongst, a flurry of developments the 'steady improvements in political, economic, and security relations between India and the United States' remained a key-influencing factor between Japan and India. In July 2007 India and U.S signed the 123 civilian nuclear agreement which 'signaled a significant expansion of military and security relationships between them in the years to come.'[521] Japan's 'security environment is dominated by two central factors: its security alliance with the United States and its relationship with China.'[522]

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[515] Clarke, Michael, 'Australia, India and the Uranium Question,' *Australian Journal of Political Science*, 46(3), 2011, p.495.
[516] Tarczynski, Stephen de., 'Australia offers India hope on uranium,' *Asia Times,* Feb.29 2008.
[517] Statement of Australian Foreign Minister, August 2008
[518] Flitton**,** Daniel, 'Australia may not block uranium sales to India,' *The Age* (Melbourne), Jan 17, 2008.
[519] Author's interview with the Ms. Claire Elias, The First Secretary, Permanent Mission of Australia to the United Nations, New York, January 21st, 2014.
[520] Author's phone interview with Mr. Michira Nishida, 18th December, 2014.
[521] Brewster, David, 'The India-Japan Security Relationship: An Enduring Security Partnership?' *Asian Security,* Volume 6, Issue 2, 2010, p. 97.
[522] Ibid.,p.101

The U.S response to India was a consideration for how Japan responded to India at the NSG. From a Japanese perspective, the relationship with India was also perceived 'as part of developing better security relationships with key US security partners both inside and outside the region' in the hope that 'this would help strengthen the US security relationship through better embedding Japan in the broader Western alliance system.'[523] As 'both countries [India and Japan] are concerned about the hegemony of a neighboring giant and seek to balance its growing power,' this perception also 'enhanced progress in this relationship.'[524] Even 'within the Japanese government' where the defence establishment (JDA) was 'most empathetic to India's security concerns, especially relating to China because it shares similar concerns.'[525] For Japan, perhaps more than others, 'the underlying argument of a strategic balance visa-vi China mattered,' as the Japanese Foreign Policy Officer Mr. Nishida reaffirmed that 'in this context, the democracy argument was used well because from a Japanese perspective, China was growing fast and the strategic balance in the international order dramatically changing, especially, in the Asian region. To counter such a fast growing Chinese national power, we needed India.'[526]

The U.S initiated a dialogue at the highest political level between India's External Affairs Minister and the U.S. Deputy Secretary of State referred to as the "Jaswant Singh and Strobe Talbott Discussions," that as Ambassador Singh explained 'made it possible for a whole procession of global leaders that were imposing sanctions to make efforts to build strategic partnerships.'[527] The U.S made arguments that were 'tailored specifically to India's profile'[528] that of being a democracy and emerging economy that 'resonate with the worldviews of other actors, in particular in Western democracies, and thus contribute to their acceptance during argumentation processes.[529] Different arguments were employed by the U.S. to convince different states across the three categories and the normative argument seemed to matter more to align the white knights, the arguments of peaceful trade appealed to mercantile interests of the P3 and an interplay of strategic and normative arguments enabled the game-changers to not come in the way.

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[523] Ibid.

[524] Paul, Joshy, M.,India, 'Japan Security Cooperation: A New Era of Partnership in Asia,' *Maritime Affairs: Journal of the National Maritime Foundation of India*, vol.8, no.1, 2012, p.31-32

[525] Limaye, Satu.P., 'Tokyo's Dynamic Diplomacy: Japan and the Subcontinent's Nuclear Tests,' *Contemporary Southeast Asia*, vol. 22,no. 2 (August 2000), p.329.

[526] Author's phone interview with Mr. Michira Nishida, 18th December, 2014.

[527] Author's Interview with Ambassador Lalit Man Singh, 18th September 2012, New Delhi.

[528] Kienzle, 'The exception to the rule? The EU and India's challenge to the non-proliferation norm,' p.41.

[529] Ulbert, C. and Risse, T., 'Deliberately changing the discourse: what does make arguing effective? *Acta Politica,* 40 (3), 2005, 351–367.

CHAPTER SIX

The Role of Shared Norms and Beliefs

So far, international responses are explained in the context of the role of material and strategic factors such as India's economic ascent and the end of the Cold War that affected India's international assessments. However, state behavior is judged not only 'by leaders' cold calculations about the national security interests or their parochial bureaucratic interests,' but 'by deeper norms and shared beliefs about what actions are legitimate and appropriate in international relations.'[530] Working within a constructivist approach, this chapter will discuss the role and constitutive effects of shared norms and beliefs that may legitimate or de-legitimate behavior in a particular social context. In other words, 'commonly recognized norms in the international system' provide 'the basis for substantive international legitimacy judgments'[531] and 'establish inter-subjective meanings that allow the actors to direct their actions towards each other, communicate with each other, appraise the quality of their actions, criticize claims and justify choices.' They 'not only establish certain games,' but 'enable the players to pursue their goals within them.'[532]

This chapter highlights some of the prevalent norms and beliefs that define the rules of the game in a post-Cold War nuclear order, one that Walker terms a 'Kantian project' where parties 'entrusted their security interests, rather than embarking on an unfettered pursuit of power, to a joint legal instrument.'[533] Thus, a 'managed' nuclear order that constrained and controlled, both the diffusion and application of nuclear weapons is also sustained because of the inter-subjectively shared norms and beliefs that defines the strategic context, the normative structure that outline the rules of the game. For example, 'the adoption of the nonproliferation norm; the sharing of peaceful civil technology; the nuclear powers' tacit commitment not to resort to preventive war and their increasingly formal commitment (through 'negative security assurances') not to use nuclear weapons against NNWS' and nuclear weapons as a deterrence strategy,[534] are normative aspects of the non-proliferation regime discussed in this Chapter.

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[530] Sagan, 'Why do states Build Nuclear Weapons? Three Models in Search of a Bomb,' p.73.
[531] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy*.
[532] Kratochwill, Friedroch, 'The Embarrassment of Changes: Neo-Realism as the Science of Realpolitik without Politics', *Review of International Studies,* Vol. 19, No.1 (Jan., 1993),p.76.
[533] Walker, Williams, 'Weapons of Mass Destruction and International Order', *Adelphi Papers 370*, London: International Institute for Strategic Studies,December 10,2005, p.431–454.
[534] Ibid.

A far more consolidated regime with better defined norms by 1998—in the background of an indefinite extension of the NPT in 1995 and an expanded and evolved NSG with 35 members in 1998 — also played an enabling role in how India was seen as making a better case of being in substantive compliance with non-proliferation norms. After 1998, Dr. Meier argued how 'non-proliferation as a concept was more consolidated. From this perspective, norms were better defined, strengthened with a more structured regime in place that made it possible for India to make certain claims. By the same account, 'it also made possible for these other states responding to India to be far more accepting of India's claims in the context of a consolidated nuclear regime.'[535] In 1974 the regime was still evolving and the NSG had been created only as a consequence of India's PNE. However, in 1998 the international community was viewing India from the prism of a far more consolidated non-proliferation regime and this Dr. Meier explained 'partly accounts for creating the possibility of the different reactions to India after 1998.'[536] Especially, as Australian diplomat Richard Lennane reaffirmed 'in the backdrop of the NPT extension, India was seen to make a better case for itself in 1998 than in 1974.'[537]

It is perhaps puzzling, how India made claims of responsible state, an impeccable non-proliferation record and substantive compliance in the backdrop of strengthened norms. However, this makes sense in the context of an enabling role of norms and not merely prohibitive that made certain claims possible. It underlines the scope for strategic agency within a normative framework, envisioning the role of norms as enabling rather than exclusively restrictive. From this perspective, 'strategic agency consists not of the ability to escape the restrictions generated by prevailing norms but of recognising and making use of the opportunities they afford.'[538] As Mr. Richard Lennane elaborated:

> By the 2000 NPT Review Conference, there was a lot of cynicism around progress on disarmament. An indefinite extension of the NPT in 1995 was negotiated on a compromise by NWS to disarm and to establish a NWFZ in the Middle East. In this light, India's strategy to get around the NPT without trashing it at the same time endorsing its principles was employed effectively. It added to the general background of frustration and cynicism that enabled states to somewhat ignore India's actions with a bit of shrugging your shoulders, to say this was inevitable.[539]

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[535] Author's Skype Interview with Dr. Oliver Meier, 26th November, 2014.
[536] Ibid.
[537] Author's interview with Richard Lennane. Former Diplomat, Australian Foreign Service. Former Head, Implementation Support Unit, Biological Weapons Convention (BWC), The Hague, on 1st September 2014.
[538] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy*.
[539] Author's interview with Richard Lennane, 1st September 2014, The Hague.

While 'there were international protests in 1998,' Canadian Ambassador Rouche explained how 'they faded more easily. The norm against nuclear weapons strengthened with the indefinite extension of the NPT in 1995, by when France and China had also joined that until then had not acceded to the NPT.'[540] There was a shift in the Indian government's dominant argument vis-à-vis the NPT that the latter was a discriminatory treaty. In this sense, as Commodore Bhaskar also noted that 'India was seen as less of a challenge because it was seen as playing by the rules as India claimed to be capable of handling nuclear weapons drawing upon the same principles of the NPT that it had so far questioned. The Indian government argued it had exercised utmost restraint, rectitude and responsibility in husbanding its new found capability.'[541] Prior to 1998, India argued that it *did not want to* sign a treaty that is inherently discriminatory. However, after 1998, it was carefully explained as to how India was *unable to* sign the treaty due to the reality of its possession of nuclear weapons. In this way, the argument shifted from displaying a *lack of willingness* to projecting it and explaining it as a *disability*.

The thesis explains shared norms and beliefs as resources in facilitating nuclear reconciliation and the manner in which selected states received and responded to India's strategies. For example, the norm against horizontal proliferation is more prevalent than the norm against vertical proliferation in defining appropriate nuclear behavior. A norm against the use of nuclear weapons and the transfer of nuclear technology to NNWS by NWS underline the norm against proliferation. There also exists a norm of deterrence and its equation with stability where 'the equation of deterrence with stability has meant that-in the global non-proliferation order-responsible behavior is equated with strict controls on the diffusion of nuclear technology outside national boundaries.'[542] Similarly, the norm of non-use of nuclear weapons has been far more dominant than the norm against possession of nuclear weapons and 'by making nuclear use more unthinkable, deterrence made the nuclear arsenals of certain countries more acceptable.'[543] Contextualizing the strategic value of 'international attention to Pakistani adventurism,' during the Kargil War, I explain how this enabled the reception of India's claims of nuclear restraint, non-use and the constitutive effect 'of demonizing and ultimately constraining Pakistan.'[544]

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[540] Author's Skype interview with Hon. Ambassador Douglas Rouche. October 3rd, 2014.
[541] Author's interview with Commodore Uday Bhaskar, 28th December 2012, New Delhi.
[542] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p. 831.
[543] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p.836.
[544] Tellis, Ashley, *India's Emerging Nuclear Posture Between Recessed Deterrent and Ready Arsenal*, Oxford University Press, 2001, p.23.

The discussion also highlights how a 'Rogue Doctrine' where 'Third World States that were not seen as friends of the West and had nascent WMD capabilities,' and as such 'seen to 'oppose the "spread of Democracy" were termed "rogue states,"'[545] and provided a normative context to differentiate India from other states. The norms and beliefs are discussed within the following themes, namely— (i) Norm of Non-Proliferation: Horizontal versus Vertical Proliferation; (ii) Non-Use, Deterrence and Nuclear Restraint; (iii) Good State versus Rogue State— to explain the ways in which shared norms and beliefs mattered in how India's claims were received and responded to, by the selected states.

6.1 Norm of Non-Proliferation: Horizontal versus Vertical Proliferation

The norm of nuclear non-proliferation embodied in the Nuclear Non-Proliferation Treaty (NPT) has two aspects, horizontal and vertical non-proliferation. As such 'measures to curb the "horizontal proliferation" of nuclear, chemical, and biological weapons to weapons-seeking states were first proposed by arms control advocates in the 1960s as a natural complement to efforts to cap the "vertical proliferation" (increased production) of such weapons by the major powers.'[546] Yet, as Dr. Rydell at the UNODA aptly stated that 'in the nuclear realm the rules of non-proliferation have come to be defined in the context of horizontal proliferation while vertical proliferation is relegated to the domain of disarmament.'[547] The NPT embodies the norm of non-proliferation structured around a grand bargain of three main goals, namely, prevent the spread of nuclear weapons to states not already possessing them by January 1,1967; promote the development of and co-operation in peaceful use of nuclear energy and finally, gradual disarmament by NWS and ultimate elimination of nuclear weapons. However, a criticism of the NPT has been its lack of progress on disarmament and insufficient efforts by nuclear weapons states towards reducing existing stockpiles. Rathbun argues that the pillars of disarmament lack any functional purpose and exists mainly 'to dilute the discriminatory effects of the non-proliferation pillar and strengthens the legitimacy of the regime by creating the expectation that the special rights of the nuclear weapon states will end at some point in the future.'[548]

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[545] Klare, Michael T., *Rogue States and Nuclear Outlaws: America's Search for a New Foreign Policy*, Macmillan, 1995, p. 26.
[546] Ibid., p.18
[547] Author's Interview with Dr. Randy Rydell, Senior Political Affairs officer at the UNODA (1998-2014) and Head of the Strategic Planning Unit, UNODA, New York, 23rd June, 2014.
[548] Rathbun, 'THE ROLE OF LEGITIMACY IN STRENGTHENING THE NUCLEAR NONPROLIFERATION REGIME', p.233

Even the pillar of 'peaceful use,' she suggests mainly 'binds the discrimination to the possession of nuclear weapons only, while reiterating that all states are on an equal legal footing for benefiting from the peaceful uses of nuclear energy and technology.'[549] However, even the pillar of non-proliferation is equated to horizontal proliferation and preventing non-transfer of nuclear weapons and technology to other states *or* the horizontal diversion of material within states from their declared civilian site to a possible military use. In this way, the norm of non-proliferation and 'the normative structures, only (and successfully) stigmatized horizontal proliferation by reversing weaponization attempts and ambitions among threshold states.'[550]

A prevalence of the norm against horizontal proliferation, between states or within a state also provided a favorable context to assess India's claims of an impeccable non-proliferation record. As leading activist, Xanthe Hall explained how 'there being no known record or discovery of horizontal proliferation coming out of India to other states, India managed to claim and be recognized for its impeccable non-proliferation record.'[551] Particularly, after 1998 and especially by 2000, there is a difference in how India's claims of a good non-proliferation record were received by these other states. In this context, it is explained within a definitional aspect of what proliferation meant in a post-Cold War nuclear order, where the focus remained on preventing certain states from going down the nuclear path, mainly those identified as 'rogues' and perceived as a threat. A senior official at the Japanese Ministry of Foreign Affairs who also served in Pakistan in 1998, explained this shift in the context of 'the definition of non-proliferation that dramatically changed after 1998' explaining how:

> Before 1998 the subject of proliferation discussion was India i.e. how not to proliferate *to* India. After 1998 discussions shifted, where India was arguing how there is no proliferation *from* India. The claim that India has no non-proliferation record was employed normatively to accept India's exemption at the NSG. The fact that India did conduct nuclear tests in 1974 and in 1998 suggests a poor vertical proliferation record. However, the perspective on vertical proliferation was ignored. Of course, enabled by a definition of what proliferation meant after 1998 onwards, which was mainly horizontal proliferation.[552]

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[549] Ibid.

[550] Kumar, A Vinod, *India and the Nuclear Non-Proliferation Regime: The Perennial Outlier,* Cambridge University Press, 2014, p.48

[551] Author's Skype interview with Mrs.Xanthe Hall. Nuclear disarmament campaigner at IPPNW Germany, Co-founder Abolition 2000 Global Network for the Elimination of Nuclear Weapons. European Coordinator of the Parliamentarians for Non-Proliferation and Nuclear Disarmament (PNND); a 2020 Vision Campaigner for Mayors for Peace in Germany, 18th November, 2014.

[552] Author's phone interview with Mr. Michiru Nishida, 18th December, 2014.

A 'bias towards non-proliferation implicitly created the condition where horizontal proliferation was singularly targeted while the means to curb vertical proliferation was limited in content and tenor.'[553] In fact 'some of these states responding to India' Xanthe Hall explained 'had some history of sharing technology or example Germany with Iraq. India's claims to non-transfer of technology was the right argument before the right audience.'[554] Dr. Wasielwski at the German Mission explained how 'an international perception about India's good non-proliferation track record was built upon India's record of no horizontal transfer to any states. India was assessed in the context of not having proliferated nuclear technology or material to other states. In spite of India not being a formal member of the NPT, the argument and perception was that there are many aspects that we hold important in the NPT and India was abiding by them, such as, tight export controls and a safeguards agreement with the IAEA. So India was actually seen as living up to most of the standards that lets say, Germany as a strong advocate of the NPT was.'[555]

As the norm of non-proliferation came to be associated with horizontal proliferation, it also came to define appropriate and acceptable behavior in the nuclear realm. An endorsement of horizontal proliferation also led to 'the nuclear non-proliferation regime, as it now stands,' to represent 'a modified but fundamental acceptance of the immediate postwar status quo' that is 'nuclear weapons were held by only a tiny minority of states.'[556] After 1998, Dr. Meier argued that the Indian government 'was also seen as using this argument more, that of not having a proliferation record of its technology being shared with other countries, strict export controls and non-transfer of sensitive technology to states that did not possess it.[557] In this way, as Dr. Bauer, Director Dual-use and Arms Trade Control Programme at SIPRI explained how 'appropriate and responsible behavior came to depend upon the regime you are looking at. Specifically, for the NSG, one can say that not sharing sensitive nuclear technology with other states to develop nuclear weapons would be the ultimate standard for export control and a number of countries made that argument vis-à-vis India's good non-proliferation record.'[558]

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[553] Kumar, *India and the Nuclear Non-Proliferation Regime: The Perennial Outlier*, p.8

[554] Author's Skype interview with Mrs.Xanthe Hall, 18th November, 2014.

[555] Author's interview with Dr. Lukas Wasielwski, German Political Counselor Embassy of the Federal Republic of Germany, New Delhi, 26th November 2012.

[556] Smith, Roger K, 'Explaining the non-proliferation regime: anomalies for contemporary international relations theory', *International Organization*, Vol. 41, Issue 02 , March 1987, p. 261.

[557] Author's Skype interview with Dr. Oliver Meier, 26th November, 2014.

[558] Author's Skype interview with Dr. Sibylle Bauer, Director Dual-use and Arms Trade Control Programme, Stockholm International Peace Research Institute (SIPRI), 24TH November, 2014.

In the period leading up to the waiver, India's non-proliferation record understood primarily in terms of non- transfer of sensitive technology was employed as a justification. Comparatively, India's diversion of material to conduct its PNE thereby contributing to a "vertical proliferation" is almost lost in official narratives. Although, India's PNE remained a 'background irritant'[559] and as Ambassador Rouche explained 'it was perceived as a betrayal because of an assumption on Canada's part was that India was shared nuclear technology only for peaceful purposes.'[560] However, the 'perception that gained prominence,' Canadian Chancellor Jurshwesky explained 'was that India has an excellent non-proliferation record. Frankly, non-proliferation was understood in terms of the likelihood of a country cheating in terms of horizontal proliferation. India had not cheated by helping NNWS. Simply put, India was not giving nuclear technology to the bad guys.'[561]

Similarly, Australia's support, the First Secretary Claire Elias explained was 'based on India's nuclear non-proliferation record, its emergence as a potential supplier of nuclear-related goods and commitment to implement international standard export controls. India's agreement to take such positive non-proliferation steps brought it more in line with the majority of the international community and facilitated a change in position leading to the NSG waiver.'[562] While, UK, France and Russia supported the first draft tabled by the US at a NSG consultative meeting in early 2006, like-minded states such as New Zealand, Austria, Switzerland, the Netherlands, and Norway 'criticized the draft's particularly vague and weak language,'[563] for 'lacking any conditions and proposed amendments to its various drafts in view of their nonproliferation concerns.'[564] In several rounds of back and forth between 2006-2008, the White Knights proposed amendments and tightening of language that reflected India's non-proliferation commitments. As negotiations proceeded several objections by the White Knights were removed such as 'implementations of the full-scope safeguards,' calling for 'an automatic termination of waiver in case of an Indian test,' an emphasis on 'a legally binding testing moratorium,' or even 'a clause that would restate the desire of the Group for universal membership in the NPT.' [565] India refused 'explicit references' and the like-minded states let go

[559] Bano, 'India and Nuclear Suppliers Group (NSG) membership,' *Global Change, Peace and Security*, p. 8.
[560] Author's Skype interview with Ambassador Douglas Rouche, October 3rd, 2014.
[561] Author's interview with Chancellor (Political and Economic Affairs) Mr. Sven Jurshwesky at the Canadian High Commission, New Delhi, India, 3rd August' 2012.
[562] Author's interview with The First Secretary Ms. Claire Elias, Permanent Mission of Australia to the United Nations, New York, January 21st.
[563] Bano, 'India and Nuclear Suppliers Group (NSG) membership,' p.4
[564] Ibid.
[565] Ibid., p.7.

of prescriptive clauses insisting on language that tied India's voluntary non-proliferation commitments to the waiver. To appease them 'the Indian government stressed on a shared commitment to non-proliferation reflected in strict export controls.' As member of India's negotiating team Ambassador Sharma further recalled how 'on a side meeting, Pranab Mukherjee mentioned to Netherlands, if we sign the NPT then we don't need to request for a waiver for nuclear trade. India explained to the opposers its inability to sign the NPT as a NNWS and support for the principle of controlling horizontal proliferation.'[566] This impasse was overcome 'when the Norwegians, Dutch and others suggested making a reference to the statement by Indian External Affairs Minister Pranab Mukherjee, in the chapeau of paragraph.'[567] On the Indian side, Ambassador Sharma explained how 'it was considered important to accommodate the White Knights who refused to budge on this non-proliferation commitment.[568] With assurances of 'unilateral moratorium on nuclear testing and no first use of nuclear weapons,' India's commitment 'to not being a source of proliferation of sensitive technologies'[569] was considered paramount.

As Ireland's Foreign Minister explained, the factors behind their 'reluctant support' were the 'unilateral moratorium on nuclear testing and strong safeguards against nuclear proliferation to third countries. This commitment in India's September 5th 2008 statement reiterated India's position on disarmament and non-proliferation. On this basis, and following a number of further changes to the text of the NSG decision, Ireland reluctantly joined consensus in the NSG on 6 September.'[570] Austria, New Zealand and Ireland reportedly 'resisted U.S. pressure the longest but eventually acquiesced to adopting the waiver after some modifications and a Sept. 5 statement by Pranab Mukherjee, India's external affairs minister.'[571] It was an assurance at the highest political level, of India's non-proliferation commitment, 'impeccable non-proliferation record...effective and comprehensive system of national export controls, which has been constantly updated to meet the highest international standards...manifested in the enactment of the Weapons of Mass Destruction and their Delivery Systems Act in 2005.'[572]

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[566] Authors interview with Ambassador Sheel Kant Sharma, 3rd August 2012, New Delhi.
[567] Siddharth Varadarajan, 'Thirty Words that Saved the Day', *The Hindu*, September 9, 2008.
[568] Authors interview with Ambassador Sheel Kant Sharma, 3rd August 2012, New Delhi.
[569] Statement by External Affairs Minister of India Pranab Mukherjee on the Civil Nuclear Initiative, September 5th, 2008. Available at: http://www.nti.org/media/pdfs/6_ea.pdf?=1316627913
[570] Statement by Ireland's Minister for Foreign Affairs, Deputy Micheál Martin at the Joint Committee on Foreign Affairs Debate '*Strategy Statement and US-India Nuclear Agreement*, 5th Nov 2008. http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/FOJ2008110500004?opendocument
[571] Boese, Wade, 'NSG, Congress Approve Nuclear Trade with India,' *Arms Control Today*, October, 6, 2008.
[572] Statement by External Affairs Minister of India Pranab Mukherjee on Civil Nuclear Initiative, September 5th, 2008.

This kind of a political assurance that 'India will not be the source of proliferation of sensitive technologies, including enrichment and reprocessing transfers,' to other countries was key to align the White Knights that demanded an explicit commitment from India at the highest level. It was much to the efforts of the like-minded states — in the words of the Irish Foreign Minister— that 'a number of improvements to the original text circulated through deletions, the addition of phrases, etc.'[573] to the NSG draft proposal reflecting India's commitments to preventing horizontal proliferation.

6.2 Norm of Non-Use, Deterrence and Nuclear Restraint: The Kargil Context

After 1998, criticism of the NPT was replaced by claims of substantive compliance with NPT principles and of playing by the rules as the nuclear posture adopted by the Indian government 'declared a policy of No-First Use posture and a policy of non-use against non-nuclear weapons states'[574] and minimum deterrence. Deterrence as social practice in the security culture strengthened the norm of nuclear non-use, for it aimed 'to establish in the adversary's mind a certain perception of one's capability and intentions—fundamentally an intersubjective understanding,'[575] without the use of these weapons. It is sustained by a belief that nuclear weapons are essential to world peace provided they are handled exclusively and responsibly by the NWS.[576] The Kargil Conflict was 'the first military confrontation in a nuclearized South Asia, and arguably the first real war between two nuclear states.'[577] It was a crisis 'contained at levels considerably short of full-scale war' and demonstrated nuclear deterrence 'in South Asia.'[578] Amidst the Kargil War, India's declaratory policy and strategy centered on restraint and deterrence received international recognition vis-à-vis Pakistan. India was seen to exhibit nuclear behavior of utmost restraint despite a capacity to increase the scale of war.

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[573] Statement by Ireland's Minister for Foreign Affairs, Deputy Micheál Martin at the Joint Committee on Foreign Affairs Debate' *Strategy Statement and US-India Nuclear Agreement*,' 5th Nov 2008.
[574] Sullivan, 'Is India a Responsible Nuclear Power*' RSIS Policy Report,* March, 2014, p.5.
[575] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p. 23.
[576] Ibid., p.5.Sasikumar outlines three ways in which deterrence grounds the NPT centric nonproliferation regime. First, NWS deter each other, thus preserving the balance of power among the big powers. The solution to their security dilemma is institutionalized in the regime. Second, the deterrence of 'rogues' has come to be accepted as the legitimate basis for preventing nuclear proliferation. Third, by prohibiting proliferation, the regime reinforces the hierarchical relationship between NWS and other states
[577] Behera, Navnita, C. *Demystifying Kashmir*, Brookings Institution Press, 2007, p. 225.
[578] Ganguly, Sumit, 'Nuclear Stability in South Asia,' *International Security*,Vol.33,No.2,2008, p.65.

While, 'there was an awareness on both sides of a nuclear capability that can enable either country to assemble nuclear weapons at short notice,' thus inducing 'mutual caution,' yet 'this caution' was believed to be more 'evident on the part of India.'[579] In as much as it buttressed India's claims of voluntary and self-declared commitment to the rules of non-use, deterrence and restraint, it also contextualized India's argument that 'Pakistan is a 'rogue state,' its leaders are irrational and irresponsible and could not be trusted *not* to use nuclear weapons.'[580] The 'timing of the incursion, the diplomatic context in which it occurred, and Pakistan's tactical audacity'[581] provided a viable context for assessing India's claims of restraint and non-use in the eyes of the targeted international audience. From an international perspective, the Kargil War provided the laboratory, so to say, the context for a comparison of India's nuclear behavior, its claims of restraint, ability to deter and not use weapons even under crisis. One diplomat aptly described the Kargil crisis as 'a controlled experiment,' where 'India's claimed doctrine and strategy was at display to be judged and evaluated.'[582]

The crisis of 1999 'elicited international responses to Kargil,' that almost 'unanimously cast Pakistan as the transgressor and called for mutual restraint, a bilateral settlement of disputes, and a resumption of the Lahore process—all of which supported India's position on Kashmir generally and Kargil in particular' and 'the various statements made by the international community were highly sympathetic to India's position during the Kargil crisis.'[583] Kargil 'marked a qualitative difference,' between India and Pakistan, enabling a 'change in international perception and attitude of the international community,' that stood 'in sharp contrast to the G-8 hostile reaction to Pokhran II.'[584] The norm of non-use of nuclear weapons overrides the norm against possession of nuclear weapons and the norm of non-use is correlated with the notion of deterrence, which in turn is equated to a desired stability *in* the nuclear order underlined by a NPT centric regime. India's claims of minimum deterrence and declared non-use policy were relevant in this context.

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[579] Subrahmanyam.K., 'Capping, Managing, or Eliminating Nuclear Weapons?,' in Kanti P. Bajpai and Stephen P. Cohen, eds., *South Asia after the Cold War: International Perspectives*(Boulder, Colo.:Westview,1993), p.185

[580] Bidwai, Praful and Achin Vanaik, *South Asia on a Short Fuse: Nuclear Politics and the Future of Global Disarmament,* (New Delhi: Oxford University Press, 1999)

[581] Tellis, *India's Emerging Nuclear Posture Between Recessed Deterrent and Ready Arsenal,* p.20.

[582] Author's Interview with Ambassador K C Singh, 23rd July 2012, New Delhi.

[583] Tellis, *India's Emerging Nuclear Posture Between Recessed Deterrent and Ready Arsenal,* p.21.

[584] Puri, Balraj, 'Review: Lessons of Kargil,' *Economic and Political Weekly*, Vol. 36,No.51 (Dec. 22-28), 2001: 4715-4717.

In explaining a 'nuclear taboo'[585] against use of nuclear weapons Tannenwald argues, 'the taboo has strengthened and legitimized nuclear deterrence by making nuclear use less likely.'[586] By making nuclear use less likely 'deterrence made the nuclear arsenals of certain countries more *acceptable*'[587]–an acceptance that has 'paradoxically legitimized'[588] the role of nuclear weapons based on a shared belief that nuclear weapons maintain global order and stability, provided they are handled with restraint as deterrents. In the 'aftermath of the May tests, the affirmation of no first use helped propagate an image of strategic restraint.'[589] Similarly, 'a policy of minimum deterrence intended to reassure the western countries that India has not embarked upon an open-ended nuclear weapons programme.'[590] The practice of deterrence brought a certain degree of 'predictable rationality that all states would behave alike' in face of a threat and 'a commitment to cooperate in the social and political interest based on reciprocal obligations.'[591] Taking an eclectic approach to the 'tradition of non-use,'[592] Paul explains a 'normative tradition against nuclear use' which 'generated reputation costs for a potential user. These reputation costs in turn generated self-deterrence, which has helped to create a tradition, which is partially restraining nuclear states from using their weapons for anything other than existential deterrence.[593] Perhaps, the existence of a taboo beyond non-use[594] is questionable yet it points to 'an inter-subjective understanding in the global community against nuclear use and this seems to have prevented nuclear attacks in limited wars involving non-nuclear states.'[595] Similarly, Waltz notes 'deterrence limits the extent of violence' and 'the obvious conclusion to draw from Kargil is that the presence of nuclear weapons prevents escalation from major skirmish to full scale war.'[596]

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[585] Tannenwald, Nina, 'Stigmatizing the Bomb: Origins of the Nuclear Taboo,' *International Security*, vol. 29, no. 4, Spring 2005,p. 5–49.
[586] Ibid.,p. 41
[587] Ibid.
[588] Singh, 'Nuclear Apartheid', p. 47-48.
[589] Bajpai, Kanti, *Nuclear Weapons, Grand Strategy and Political Ideology*, Ithaca, NY, 2000, p.271.
[590] Ibid., p.269.
[591] Walker, William, Enlightenment and Counter-Enlightenment, International Affairs,vol.83, .3,2007,p.452.
[592] Tannenwald, 'Stigmatizing the Bomb: Origins of the Nuclear Taboo,' p.17. Tannenwald argues that 'at its core, the non-use tradition is created and maintained out of the self-interest of actors, even if reinforced by norms,' for 'it lumps together both instrumental and ethical sources of the nonuse tradition' therefore it tends to obscures 'the autonomous role of substantive moral beliefs, individual conscience, and the like.' Nuclear non-use is 'not simply a tradition both because people believe it is a taboo (with associated taboo-like qualities) and because as it strengthens over time, it becomes decreasingly based on reciprocity.'
[593] Ibid.
[594] See Schelling, Thomas C., "Who Will Have the Bomb?" *International Security,* 1 (Summer 1976): 77–91 and Tannenwald 'Stigmatizing the Bomb: Origins of the Nuclear Taboo.
[595] Paul, T.V.,*The Tradition of Non-Use of Nuclear Weapons*, Stanford University Press, 2009.
[596] Scott D. Sagan and Kenneth N. Waltz, *The Spread of Nuclear Weapons: A Debate Renewed* (New York: W.W. Norton, 2002, p.115.

India's behavior reinforced a shared belief in deterrence as it 'tried to present its crisis behavior as responsible.'[597] After 'May 1998, restraint became the cornerstone of nuclear diplomacy' indicating an ability 'to practice restrain and manage its nuclear weapons responsibly as deterrents' and 'the government turned its back on decades of public opposition to deterrence as an evil doctrine and affirmed its commitments to use nuclear weapons solely as deterrents.'[598] As evident from the Kargil Review Committee Report[599] the Indian government 'was cognizant of the role that international perception played in the unraveling of Kargil and would seek to develop and exploit that perception.'[600] The Kargil operation was lauded as 'a military and diplomatic triumph for India.'[601] The 'existence of nuclear weapons in South Asia made both governments cautious in their use of military force.' However, in the international perception 'India exercised this restraint well.'[602]

From an international perception, the Kargil episode was 'Pakistan's aggression on Indian territory and India's voluntary effort 'to not want to risk an escalation to a nuclear conflict.'[603] For example, Mrs. Xanthe Hall, a campaigner based in Germany explained how 'in the German and western media in general, the Kargil War largely came across as India defending itself against Pakistan's terrorist activities.'[604] The Kargil Crisis 'drastically underlined for the German government, as it did for other states, the fundamental difference in the state behavior of India from that of Pakistan; the German government was immensely impressed by India's very responsible and restrained response,' especially, 'to the provocative statements of Pakistani leaders threatening use of nuclear weapons.'[605] This facilitated a 'process of bilateral readjustment,' as Germany' Foreign Minister termed India 'a very important partner and one of the most important players in the world.'[606] Australia supported India's claims of LOC intrusion 'maintaining that there was no controversy over the LOC as it was clearly demarcated in the Simla accord proposed to resolve issue bilaterally.'[607]

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[597] Sasikumar, 'India's Emergence as a "Responsible," Nuclear Power,' p.829.
[598] Ibid.
[599] The Kargil Review Committee was constituted to provide recommendation's to GOI public document titled 'From Surprise to Reckoning: The Kargil Review Committee Report,' Kargil Review Committee, Sage Publications, 2007.
[600] Tellis, *India's Emerging Nuclear Posture Between Recessed Deterrent and Ready Arsenal*, p.23.
[601] Kargil Review Committee, 'From Surprise to Reckoning: The Kargil Review Committee Report'.
[602] Sagan and Waltz, *The Spread of Nuclear Weapons: A Debate Renewed, p.*98-99
[603] Cirincione, Joseph, on B. Wolfsthal, Miriam Rajkumar *Deadly Arsenals; Nuclear, Biological and Chemical Threats* (Carnegie Endowment) 2005, p.210.
[604] Author's Skype Interview with Mrs.Xanthe Hall, 18th November, 2014.
[605] Nayar, Baldev Raj, *India and the Major Powers After Pokharan II*, 2001, p. 96.
[606] Lexis-Nexis, 'We Want to Improve Ties, says Germany and India,' *Deutsche Presse-Agentur*, Sep 30,1999.
[607] Cheema, Javaid, M., 'International Community on Kargil Conflict,' *South Asian Studies,* Vol. 28, No.1, 2013, p.92.

Even Russia condemned Pakistan's bid to internationalize Kashmir, 'reiterating its support for New Delhi's action'[608] as 'Russia's Deputy Foreign Minister also called upon Islamabad to withdraw the infiltrators.[609] France, recognized the "intrusions" in Kargil appealing 'for restraint in the spirit of the Lahore declaration.'[610] Japan 'offered to host an international conference' to 'mediate between India and Pakistan'[611] and pressed 'for Pakistan's possible inclusion at the forthcoming ASEAN Regional Forum (ARF) meeting.'[612] Japan initiated an Emergency Action Forum on Nuclear Disarmament and Non-Proliferation submitting a report that examined 'ways and means of getting India (and Pakistan, but not Israel) to renounce nuclear weapons, and recommend urgent steps to further non-proliferation and disarmament.'[613]

However, Japan's initiatives remained 'largely ignored by the major powers'[614] evident in a G8 statement 'about the continuing military confrontation in Kashmir following the infiltration of armed intruders which violated the Line of Control. We regard any military action to change the status quo as irresponsible' and called for 'restoration of the Line of Control.'[615] Similarly, CNN reported 'the European Union, the United States and members of the Group of 8 -- the world's seven most industrialized nations and Russia -- have in effect blamed Pakistan for the crisis.'[616] Overall, 'Kargil left Pakistan internationally isolated, widely perceived as a rogue state' and India went from 'the regional pariah responsible for nuclearazing the subcontinent,' with nuclear tests 'preceding its neighbor' to 'accumulating the international goodwill 'Pakistan squandered on the heights near Kargil.'[617] Thus, 'relatively speaking, India's nuclear restraint,' as the Japanese diplomat noted 'enabled India's behavior to be seen as more responsible. This is not to say that Pakistan's behavior should be a standard of comparison. Yet, India's arguments drew upon a comparison and in the background of Pakistan's proliferation history, India's behavior was better evaluated.'[618]

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[608] Ibid.
[609] Usmani, Irfan Waheed, 'An Inglorious end to a Glorious Adventure: Conceiving and Executing the Kargil Operation (1999),' *The Historian*, 6, 2008, p.102.
[610] Sharma, Dhirendra, *India's Nuclear Estate*. New Delhi: Lancer's, 1983, p.73.
[611] Ibid.
[612] Singh, Udai, B., 'India and the ARF:The Post-Pokhran II Phase,' *Strategic Analysis,* Vol. 22, 10,1999 pp: 1601.
[613] Limaye, Satu.P. , 'Tokyo's Dynamic Diplomacy: Japan and the Subcontinent's Nuclear Tests,' *Contemporary Southeast Asia*, Vol. 22,No. 2 (August 2000), p.325-326.
[614] Ibid.
[615] G8 Statement on Regional Issues, Germany, June 20, 1999. Available at: http://www.g8.utoronto.ca/summit/1999koln/regional.htm
[616] 'India encircles rebels on Kashmir mountaintop,' *CNN,* July 2, 1999.
[617] Lavoy, Peter. R., *Asymmetric Warfare in South Asia: The Causes and Consequences of the Kargil Conflict*, Cambridge University Press, 2009, p. 249.
[618] Author's Phone interview with Mr. Michiru Nishida, 18th December, 2014.

6.3 Rogue States in Post- Cold War Nuclear Discourse

A distinction between states that are seen as "good" versus those states that were identified as "rogue" in a post-Cold War nuclear discourse also enabled how the selected states were able to receive and respond to India's claims. The notion of rogue states, a terminology coined in U.S. foreign policy particularly after the end of the Cold War and disintegration of the Soviet Bloc facilitated international perceptions and how and why India was viewed differently. In his work on 'rogue states and nuclear outlaws,' Klare describes 'the quest for a new strategic posture' that 'gained momentum in November 1990...with the integration of the Soviet bloc' initiating a process that sought to 'establish a new basis....on which to calculate the threat posed.' [619] This strategic process was built upon an existing threat posed by weapons proliferation. However, it now involved turning attention to identified emerging countries in the third world to befit 'the proliferation peril.'[620] Such an approach legitimized the possession of nuclear weapons and 'also provided a rationale for the preservation of a nuclear arsenal' [621] by existing NWS.

A rogue doctrine reinforced the norm against horizontal proliferation by focusing on defense against future possession of weapons by emerging Third World countries. This 'general model of a "rogue state" ruled by an "outlaw regime" armed with chemical and nuclear weapons became the standard currency of national security discourse,' thus focused on the military capabilities of rising Third World Powers but particularly, their quest for nuclear weapons. Importantly, 'this discourse came to focus' also 'on these nation's political character.'[622] It 'included those states there were seen to harbor aggressive intentions, oppose the "spread of Democracy" and to be guilty of circumventing norms against WMD proliferation.'[623] It was a distinction that diluted the notion that nuclear weapons themselves are intrinsically wrong and instead transferred the value of judgment to the possessor of those weapons. Thus, removing the existence of nuclear weapons and their possession as the relevant markers of rogues, to focusing on the actor[624] so as to determine responsible and capable actors that are capable of possessing and handling nuclear weapons with a sense of shared rationality and western modernity.

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[619] Klare, *Rogue States and Nuclear Outlaws: America's Search for a New Foreign Policy* , p.11.
[620] Ibid., p.18.
[621] Ibid., p.18.
[622] Ibid., p.24.
[623] Ibid., p.26.
[624] See Price, 'Nuclear Weapons Don't Kill People, Rogues Do.'

Other states responded to a strategic opportunity provided by the 'Rogue doctrine' that made it possible to justify their support for a differential treatment for India. It facilitated a perception that 'India is not bad just because it has nuclear weapons.' A perception, that 'amounts to no less than the normalization of nuclear weapons as such and a repudiation of the central principle of nuclear disarmament.'[625] However, this was carefully embedded in India's case insofar as India was never a party to the NPT. India claimed substantive compliance with the key principles of the NPT and alignment with the NSG rules even as a non-signatory. This was because in 'a strictly technical sense, the recognition of India as a legitimate nuclear power does not by itself upset the constitutive power of the norm to designate who counts as a rogue state (namely, states in non-compliance with the NPT)'[626] whereas Iran's clandestine activities and non-compliance with the NPT as a signatory provided the context to assess India for its intentions.

An emphasis on political character only insured that India, as the world's largest democracy did not feature in the list of "the rogues." One such example is a list produced by the International Institute for Strategic Studies in 1989 titled 'the Military Balance 1989-1990' describing the military capabilities of the Warsaw Pact countries, which also included as it stated 'Third World Powers.' A list that included former Soviet Union allies, but also the nuclear outliers DPRK, Iran, Israel as well as Pakistan. However, India was largely seen as a 'non-threatening member of international society.'[627] In this way and arguably so, the rogue doctrine also enabled and reinforced, how India's democratic polity mattered in how India's claims of good intentions in 1998 in contrast to India' claims of peaceful intentions in 1974 resonated with the international audience. This strategy 'of a specific "demon"— a particular ruler of a specific state – to bring the newly developed doctrine into vivid focus, helped to fill in the "threat blank" and "to justify the preservation of a near-Cold War military apparatus.'[628] It enabled for India to be perceived differently where for example, in the words of a Canadian diplomat 'Iran has suffered due to its perception where in the eyes of the western countries as well as the media, Iran was demonized and the personality of pervious leaders threatening Israel, this was quite different from a perception of India.'[629]

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[625] Price, 'Nuclear Weapons Don't Kill People, Rogues Do', p.244.
[626] Ibid.
[627] Ibid., p.243.
[628] Klare, *Rogue States and Nuclear Outlaws: America's Search for a New Foreign Policy*, p.27-28.
[629] Author's Skype interview with Ambassador Douglas Rouche Senator (1998 - 2004), Member of Parliament Canada (1972-1984), Ambassador for Disarmament (1984-1989), Chairman of the United Nations Disarmament Committee (1988), Former Chairman, Canadian Pugwash (1998-2003) and Middle Powers Initiative (1998-2008), October 3rd, 2014.

This kind of a definitional strategy, as Price argues, perpetuates the belief that 'Nuclear Weapons Don't Kill People, Rogues Do.'[630] Hence, judgments about good vs. rogues became primarily based on covert intentions and compliance and not simply overt behavior, where a differential treatment for India was justified in arguing that, India 'never pretended that they had given up the pursuit of nuclear weapons.'[631] In other words, India's covert intentions were made overt. As nuclear weapons were removed as 'as the referent of threat,' and transferred 'to particular potential possessors and users of the threat,'[632] this also enabled India to be differentiated from the other 'outliers' namely Pakistan, Iran and DPRK.

On the response side, it enabled other states to justify a shift in their response, rationalize or justify a differential treatment for India culminating into a NSG waiver for India in 2008. For example, U.S. undersecretary of State for Political Affairs, Nicholas Burns argued that the Indo-US nuclear deal 'will also send a powerful message to nuclear outlaws such as Iran: if you play by the rules, as India has, you will be rewarded; if you do not, you will face sanctions and isolation.'[633] A statement that indicated that in the eyes of the international community, Iran has broken the rules but India has not per se. In explaining how this mattered for India's international perception another Canadian diplomat argued that 'if one was to look down at the world and ask why is that a nuclear India can get away with things that let says a nuclear Iran has not. It perhaps matters how you are seen in the international arena. The conduct of the Indian government from an outsider's point of view has been that it is not a rogue. The general feeling about India in the world was relatively positive and after the end of the Cold War that also brought an acceptance of India as the world's largest democracy.[634] Similarly, Abe notes that even though overtly, Japan was doing what Iran was trying to do with light water reactors and uranium enrichment facilities for 'peaceful' nuclear energy the difference lies in an assessment of covert intentions and Iran was suspected of having a nascent or latent nuclear program. In the eyes of the international community Japan 'has an over 40-year history of civilian nuclear activities and a perfect record of complying with the IAEA safeguards.'[635]

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630 Price, 'Nuclear Weapons Don't Kill People, Rogues Do'.

631 Ruppe, David, 'U.S. Acknowledges "Double Standard" on Indian Deal,' *Global Security Newswire*, April 12, 2006 Availble at: http://www.nti.org/gsn/article/us-acknowledges-double-standard-on-indian-deal/

632 Price, Nuclear Weapons Don't Kill People, Rogues Do', p.243.

633 Statement by U.S. undersecretary of State for Political Affairs, Nicholas Burns. Quoted in 'N-deal a lesson to outlaws like Iran: Nicholas Burns,' *The Times of India*, October,21, 2007.

634 Author's Skype interview with Ambassador Douglas Rouche, October 3rd, 2014.

635 Abe, Nobuyasu, 'The Current Problems of the NPT: How to strengthen the Non-Proliferation Regime', *Strategic Analysis*, vol.34, no. 2, 2010, p.220

A distinction between good and rogue states is further reflected in the Proliferation Security Initiative (PSI), largely a U.S led initiative. The effect of 'such a unilateral approach was that you pick your friends even if they are a bit smelly,' explained an Australian diplomat, 'so a group of countries were indentified as the rogues and nuclear outlaws, while India was seen as friend of the West. This also led to efforts such as the PSI, that was a U.S. led effort.'[636] Overtime, PSI became a widely accepted effort 'to block the proliferation of WMD and related technology through interdiction, the physical seizure of illegal shipments of restricted items.'[637] Here too, not all suspicious transfers uncovered are interdicted and it is usually and in some instance, only, transfers to and from states of ''proliferation concern,'' and even 'interdiction is applied in a discriminatory manner, separating ''good'' guys from ''bad'' guys.'[638] France also acknowledged India as a major player 'with an acute sense of its responsibilities,'[639] and strengthened the strategic dialogue 'to create a new strategic axis which will firmly oppose 'rogue' states wherever they are.'[640] Thus, arguing that India should be treated differently as it 'is not a rogue state and deserves special consideration,' was an argument employed by the Australian Federal Resource Minister, explaining 'the possibility of selling uranium to India after the NSG decision allowing nuclear trade.'[641]

The Australian foreign Minister Stephen Smith explained the factors considered clarifying, that India was not a rogue, 'even if it was a non-Nuclear Non-Proliferation Treaty (NPT) country, it was not the cause for proliferation and two was the statement of the external affairs minister (Pranab Mukherjee) re-affirming India's track record on non-proliferation and commitment to disarmament.' However, clarifying 'if such a request was made for another country, I don't think it would have been cleared by the NSG members.'[642] Similarly, the spokesperson for the German Foreign Ministry explained India "a special case" but should it mean for the agreement to send an 'approving message to Iran? No it, absolutely does not.'[643]

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[636] Author's interview with Richard Lennane. Former Diplomat, Australian Foreign Service. Former Head, Implementation Support Unit, Biological Weapons Convention (BWC), The Hague, on 1st September 2014.
[637] See 'Proliferation Security Initiative: Statement of Interdiction Principles' White House, Office of the Press Secretary, Fact Sheet, Sept. 4, 2003, www.state.gov/t/np/rls/fs/ 23764.htm
[638] Rathbun, 'THE ROLE OF LEGITIMACY IN STRENGTHENING THE NUCLEAR NONPROLIFERATION REGIME', p. 243.
[639] Claude Arpi, 'The Third Axis,' *The Rediff India Abroad,* January 24, 2003. Available at: http://www.rediff.com/news/2003/jan/24spec.htm
[640] Ibid., p.232.
[641] 'Australian government asked to be 'flexible' on uranium sale to India,' *The Sunday Guardian,* 16th, Feb 2011.Availble at: http://www.sunday-guardian.com/news/australian-government-asked-to-be-flexible-on-uranium-sale-to-india
[642] NSG waiver due to India's rise as global power: Australia, TwoCircles.Net, 12 September 2008. Available at: http://twocircles.net/2008sep11/nsg_waiver_due_indias_rise_global_power_australia.html.
[643] Paddock, Carl, *India-US Nuclear Deal: Prospects and Implications,* Epitome Books, 2009, pp13.

However, the process leading up to the waiver shows how Germany as member of negotiations between Iran and the P5+1 wanted to avoid a 'good versus rogue' argument in dealing with Iran. Even after the Indo-US civilian nuclear agreement, the German government 'tackled for months concerning how it will react to the nuclear deal' and 'according to press reports the Foreign Office' was ' indeed split on the question.'[644] In an interview to an Indian newspaper amidst the ongoing visit of the Indian Prime-Minister to Germany, the German Ambassador to India said, 'we would like to see and I see it now already ... in which India is growing more and more into the same status, which other nuclear weapons states have, with the same rights, with the same obligations. That is a process, which we would like to support. We are not going to reject the [civilian nuclear] deal [with the U.S.]'[645]

However, Germany's perplexing and split position amidst the negotiations with Iran surfaced when German Foreign Minister Frank-Walter Steinmeier ahead of a meeting with his U.S counterparts stated 'that the timing of the accord was not helpful in light of the Iranian nuclear dispute,' and added that Germany could come to support it if it were the 'start of a process that eventually integrated India into the Nuclear Non-Proliferation Treaty, which it has refused to sign.'[646] However, along with the 'considerable fear of angering Washington or New Delhi by criticizing the deal,'[647] an official briefing by the Ministry of External Affairs on April 24, 2006 clarified, 'of course on the German side there was absolutely no confusion and that there was absolutely no scope for comparison between India and any other country on this account. There had been some confused reporting about some of his remarks in Washington... He said that the disappointment or unhappiness in those remarks at that stage was because of the timing, because they felt that this would come in the way of their dealing with the Iran nuclear issue. But, on the substance, he said that they saw a great advantage in the deal, as it will bring India closer to the IAEA.[648] In other words, despite contradictory stances, Germany also to a fair extent employed the rogue argument in differentiating India from Iran, in particular, to justify its support.

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[644] Meier, Oliver, 'The US-India Nuclear Deal: The End of Universal Non-Proliferation Efforts?', *International Politics and Society*, Number 4 (2006), p.39.
[645] Baruah, Amit, 'The Sky is the Limit for Indo-German relationship,' *The Hindu*, April 19, 2006.
[646] 'Germany Calls for Direct US-Iran Talks on Nuclear Program,' Deutsche Welle (DW) April5th 2006. Available at http://www.dw.com/en/germany-calls-for-direct-us-iran-talks-on-nuclear-program/a-1954170
[647] Muscat, Sabine 'Auswärtiges Amt streitet über Nuklearexporte an Indien,' *Financial Times Deutschland*, February 23, 2006.
[648] Baruah, Amit, 'The Sky is the Limit for Indo-German relationship,' *The Hindu*, April 19, 2006.

CHAPTER SEVEN
India's Responsible and Democratic Identity

One 'of the main conditions that made possible India's nuclear reconciliation was India's strategy of constituting itself as a responsible nuclear power.'[649] The first part of this chapter outlines the manner in which this strategy affected the ways in which India's responsible claims were received and responded to by the targeted audience. The argument of responsible nuclear behavior has been explained as an integral part of India's legitimation strategies. However, 'an assessment of a given state as either a nuclear responsible or a nuclear irresponsible' is also 'political,' that depends 'first and foremost, on the perspectives of key players within the global non-proliferation regime.'[650] Sullivan further notes how 'such evaluations never emerge from objective or neutral judgments. The historical disposition, values and interest of influential global players are significant in assessments of nuclear responsibility.'[651]

The first section of this Chapter will discuss how India's 'identity as a responsible possessor of nuclear weapons'[652] mattered for the targeted audience and the ways in which it was strategically employed to facilitate and justify their shift from the immediate responses of 1998 to supporting India-specific NSG exemptions in 2008. Additionally, the response of the game-changers shows how their own normative understandings of, and claims to being responsible nuclear states enabled and/or prohibited their interaction with India. Thus, the international responses are explained in the context of the manner in which the rhetoric and value of responsible state was employed, ascribed and mattered for these other states. Moreover, the purpose is to explore the ways in which India was seen *as* a responsible state and to explain how the international audience was able to *or* not able to, receive and respond to India's claims and arguments in this context. To put it differently, the responsible nuclear state theme is treated 'as one instance of international legitimacy,' that represents 'one variant form through which legitimacy comes to be practiced.' [653]

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[649] Sasikumar, Karthika, 'India's Emergence as a "Responsible" Nuclear Power,' *International Journal*, vol. 62, no. 4, 2007, P.825.
[650] Sullivan, 'Is India a Responsible Nuclear Power,' *RSIS Policy Report*, March, 2014., p.2
[651] Ibid.
[652] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p.825.
[653] Bukovansky, Mlada, Ian Clark, Robyn Eckersley, Richard Price, Christian Reus-Smit, and Nicholas Wheeler, *Special Responsibilities: Global Problems and American Power*,(Cambridge: Cambridge University Press, 2012, p.5.

In the second part, the chapter discusses the ways in which India's democratic identity mattered in the interaction between India and the targeted audience in the aftermath of India's nuclear tests of 1998. Within a constructivist approach that emphasizes the social construction of actor's identities and 'treat identity as an empirical question to be theorized within a historical context,'[654] the first aspect explains how India's identity as a successful democracy became an acceptable rationale, making possible a shift towards normalizing relations. It seemed to find place in the justification of the game-changers and the white knights enabling them to align and not block India's waiver in the NSG. Hopf outlines functions that identities perform in a society, they tell you and others who you are; they tell you who others are; and then tell you who you are. Identities imply a particular set of interests or preferences with respect to choices of action in particular domains, and with respect to particular actors.[655]

However, the actor is not always or entirely in control of what it ultimately means to others in the audience and inter-subjectively shared beliefs and norms circumscribe the interaction and provide a socio-cultural context for an evaluation that may reinforce certain meaning and identities. India's democratic identity became relevant in the context of the disintegration of the Soviet Union and the distinction drawn between the emerging states (discussed earlier) where some states were identified as rogues and seen as 'opposed to democracy.' India as a democracy was seen as a partner in the region. India's declaratory policies of nuclear restraint, non-use, no-first use and minimum deterrence reinforced its democratic identity opening another avenue for mainstreaming India into the existing nuclear regime. A power based explanation that associates recognition of India's democratic identity with the hard power of nuclear capability overlooks how India's democratic identity actually mattered in the nuclear reconciliation process whereas during the Cold War 'India's professed "democratic values" failed to align it with the West.'[656] In the period that followed the 1998 nuclear tests, not only did India refer to its democratic polity, implying a security threat from its nuclear neighbor, but consistently employed its democratic identity with claims of a transparent nuclear policy and civilian control of its weapons.

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[654] Hopf, Ted, The Promise of Constructivism in International Relations Theory, *International Security,* 23 (1) (Summer 1998), p.173.
[655] Ibid.
[656] Jones, R.W.,'India's Strategic Culture,' *Report for Defense Threat Reduction Agency Advanced Systems and Concepts Office* 2006 , p. 13.

7.1. Responsible Nuclear Behavior: Identity and Value

This section outlines three aspects that overlap. Firstly, it discusses the manner in which, India's identity as a 'responsible nuclear state' enabled other states to justify and explain the process of moving from an initial condemnation to normalizing relations and subsequently endorsing (as the P3 did), passively supporting (as the game-changers did) or simply not blocking (as in the case of the White Knights) India's waiver at the NSG. Secondly, it will discuss how the argument of responsible nuclear behavior was strategically employed in the international responses towards India to justify and explain the differential treatment for India vis-à-vis other states, such as Iran and Pakistan. Finally, "why" other states responded in terms of perceived materialist or normative costs and benefits, is in turn contextualized to explain how an assessment of India as a responsible nuclear state was enabled or constrained by their own respective values and understandings of what it means to be a responsible state in the nuclear realm. For example, the response of Australia and Canada highlights how their respective understandings of responsible nuclear state initially served as a normative obstacle, however, later became the premise upon which a subsequent change/shift was made possible. On the other hand, the response of Germany shows a prohibitive role of ideational understandings and their origins that in the course of the interaction created the possibility for Germany to be a 'passive supporter.'[657]

Finally, contrary to a perception that Japan's nuclear forbearance and 'ingrained nuclear allergy,'[658] perhaps, would make any shift difficult, the response of Japan shows that normative and ideational factors did not play the kind of prohibitive role as one would think or expect in Japan's case, as the only victim of nuclear bombings. Japan's response to India was instead marked with distinct economic and political initiatives where the Japanese government used moral foundations and normative arguments, strategically, to also augment certain political benefits and ambitions. I also discuss the ways in which Japan's own arguments and reasons for joining the NPT and foregoing its own nuclear arsenal made it possible for Japan to be more receptive to some of India's claims and ultimately align with the other game-changers thus deciding to not come in the way of India's NSG exemptions in 2008.

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[657] Varadarajan, Siddharth, 'NSG Critics focus on non-proliferation benchmarks,' *The Hindu*, August 22, 2008.

[658] Rublee, Maria Rost '*Nonproliferation Norms: Why States Choose Nuclear Restraint*,' University of Georgia Press 2009, p.60.

On the other hand, the response of the White Knights demonstrates how the value of responsibility was applied prospectively with reference to India's future behavior and 'what a particular agent, or set of agents, ought to do.'[659] While, the White Knights did not find much success in terming India "irresponsible" with reference to its past actions and behavior, they were also not fully convinced of India's responsible behavior. Their response to India's claims shows how responsibility was applied prospectively, where India's non-proliferation commitments were strategically tied to India acting in a certain way in future. This, thereon, also created the possibility for these states to hold India responsible retrospectively, with reference to past actions and behavior, if India failed to comply.

First and foremost, India's identity as a responsible nuclear state made it possible for other states, particularly, the P3 and the game-changers to differentiate India from other non-NPT states or nuclear outlaws such as DPRK, Pakistan and Iran. The argument of India's responsible nuclear behavior enabled them to justify and in the case of the P3 even endorse— to a larger audience in the non-proliferation community as well as to their respective domestic audience, as to why India should be treated differently. Employing this argument addressed a concern that 'at a minimum, the international response had to prevent any perception that India would be rewarded for its decision'[660] of testing. In this regard, identifying and endorsing India's identity as a responsible nuclear state made the argument for India's "differential treatment" that much more legitimate. It also mattered to dilute the discriminatory effect of what was perceived as a favorable treatment for India as a non-NPT signatory. It made it possible to de-link India's differential treatment with the mere reality of its possession of the "bomb." It served as a benchmark for an assessment of threshold states and was employed to impose reputational costs on the Iranian regime for acting "irresponsibly" and cheating as a NPT signatory. A responsible nuclear state that was not favored but deserved differential treatment mattered for 'the sensitivities of the Nuclear Suppliers Group (NSG),' that 'were taken into account so that it would not be considered as an exception for one country – India – at random, but an exception for a country which is considered an exceptional and exemplary case.'[661]

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[659] Horsburgh, Nicola, *China and Global Nuclear Order. From Estrangement to Active Engagement,* Oxford University Press, 201 and, 'Problematizing the Idea of a Responsible Nuclear Armed State: China and the Global Nuclear Order,' IR Research Colloquium, Department of Politics and International Relations, University of Oxford (24 January 2013).

[660] Bruneau, Richard, 'ENGAGING A NUCLEAR INDIA: PUNISHMENT, REWARD, AND THE POLITICS OF NON-PROLIFERATION', *Journal of public and International affairs,* vol.17, spring 2006, p.34.

[661] Joshi, Shashank, 'India and the European Union,' R.K. Jain, ed. *India and the European Union: building a strategic partnership,* New Delhi, Radiant, 2007, p. 32–40.

Such comparisons of India's responsible behavior with other states made it possible to justify a differential treatment for India. Dr. Meier explained how India's 'non-proliferation argument was definitely much better than Iran or DPRK but also, that of Pakistan and was relevant as it resonated with the NSG audience in the period leading to the waiver.'[662] India was seen as more responsible and 'international perceptions that India would not proliferate was sustained by drawing a direct comparison with Pakistan's clandestine A. Q. Khan network and increasing Sino-Pak collaboration.[663] Whereas 'earlier' Similarly, Ambassador Chandra argued how earlier 'there was no proof of China transferring nuclear technology to Pakistan and closer to 1998 the Sino-Pak collaboration was becoming apparent and was also acknowledged publicly.'[664] And in this light, India was seen as a far more reliable partner in South Asia.

In his interview Commodore Bhaskar argued that in 'the eyes of the international community, India exercised the utmost restraint, rectitude and responsibility in husbanding the nuclear capability in quite the contrast to Pakistan.'[665] Commodore Bhaskar argues elsewhere, 'you look at past 30-35 years, Pakistan has had a role in nuclear proliferation. We are talking about A.Q. Khan, Pakistan-North Korea, Pakistan-Iran and the whole network of clandestine nuclear proliferation. It is often seen as a cradle of terrorism and the way in which Pakistan is engaged in this whole, what is called as the 'Walmart of nuclear proliferation', do not really in any way recommend Pakistan as a 'responsible state.'[666] India's claimed responsible nuclear identity based on strict export controls reinforced 'state behavior in terms of domestic regulation and export controls' that was 'gaining importance beyond the commitments of the NPT'[667] and/or its membership.

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[662] Author's Skype Interview with Dr. Oliver Meir Senior Researcher at the Stiftung Wissenschaft und Politik (German Institute for International and Security Affairs - SWP), 26th November 2014.

[663] In a Report by Federation of American Scientists (FAS) titled "Pakistan Nuclear weapons" it was made public that the Chinese support to Pakistan and the speculations were made public that of Pakistani-assembled devices detonated in China and clandestine transfers to Pakistan included the blueprints for the CHIC-4 design using highly enriched uranium, first tested by China in 1966. It was suspected that a Pakistani derivative of CHIC-4 was tested in China on 26 May 1990 for Pakistan.Available at www.fas.org/nuke/guide/pakistan/nuke/index.html

[664] Author's interview with Ambassador Naresh Chandra, Former Cabinet Secretary (1990–92), Former Indian Ambassador to the United States (1996–2001), former Chairman of National Security Advisory Board on 4th January, 2013, New Delhi.

[665] Author's interview with Commodore Uday Bhaskar, Director of National Maritime Foundation, officiating director of the Institute for Defense Studies and Analyses, New Delhi, 28th December 2012.

[666] Bhaskar, Uday,'Indian experts say Pakistan can't qualify to join NSG in near future,' DNAIndia, 11 April 2015

[667] Bruneau, 'ENGAGING A NUCLEAR INDIA: PUNISHMENT, REWARD, AND THE POLITICS OF NON-PROLIFERATION', p.28

It also enabled India to be seen as less of a threat as Dr. Sibylle Bauer, Director at SIPRI argued 'whereas Pakistan is still mentioned regularly in discussions on a potential threat of proliferation, India is not, although both tested in 1998. India is not seen as a country that has an active procurement strategy or history of shopping in other countries like Pakistan, DPRK or Iran. A normative nexus between horizontal proliferation and threat perception made it possible to view India differently from these states.'[668] Similar arguments of India's relative responsibility were evident in Ireland's parliamentary debate that explained its "reluctant support" for India at pointing to 'the contrast with Iran' and how 'India has not threatened the existence of any state in the way Iran has and Iran has not been as transparent with the IAEA.' It noted that 'the IAEA is not happy with the transparency of Iran in terms of its enrichment process.' On the other hand, India was lauded for its 'distinguished tradition of parliamentary democracy,' and a 'responsible government.'[669]

The arguments of India's impeccable non-proliferation record and that of a 'responsible non-proliferation'[670] were circulated to garner support and convince dissenters as it reinforced the norm against horizontal proliferation and technology transfers. In this way, arguments that India had behaved responsibly, drawing on India's nuclear restraint and strict export controls on sensitive materials and technology made it possible to portray India as a "like-minded state." In fact, it was argued that despite being outside the NPT India was capable of acting in a like-minded way. Amongst the White Knights, that were seen as states most skeptical of a process of redress and integration that weakened the NPT, Ireland and Austria were the 'staunchest opponents'[671] followed by Netherlands and Sweden that 'voiced their criticism' collectively as members of the "like-minded group of States" along with Switzerland and Norway that 'stayed largely in the background.'[672] However, the response of the White Knights demonstrates a 'give and take' between India's responsible state arguments and their collective response that eventually enabled them to deal with normative challenge of a nuclear India leading to a negotiated acquiescence on India's case.

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[668] Author's Skype interview with Dr. Sibylle Bauer, Director Dual-use and Arms Trade Control Programme, Stockholm International Peace Research Institute (SIPRI), 24TH November, 2014.
[669] Statement by Ireland's Minister for Foreign Affairs, Deputy Micheál Martin at the Joint Committee on Foreign Affairs Debate '*Strategy Statement and US-India Nuclear Agreement*, 5th Nov 2008. See 570.
[670] The United States Communication "Food For Thought Paper on Indian NSG Membership' dated 23 May, circulated at the NSG plenary meeting. Full text available at https://www.armscontrol.org/system/files/nsg1130.pdf
[671] Kienzle, Benjamin, 'The exception to the rule? The EU and India's challenge to the non-proliferation norm,' *European Security*, 24:1, 2014, p.46
[672] Ibid.

India's earlier 'acquired reputation of being an inflexible negotiator and a potential spoiler, unwilling to yield and adapt its positions where compromise seems possible,' was replaced with a perception that India was willing to adopt a 'pragmatic foreign policy.' India was now seen as willing to 'become a more collaborative player in the international system and a more cooperative negotiator in international institutions' and 'in the nuclear sphere, this also 'found its expression in the increasing emphasis,' by the Indian government and the supporting states 'on India being a responsible nuclear power.'[673] The White Knights' efforts to tie India's waiver to certain non-proliferation commitments applied the notion of responsible prospectively with the possibility of a retrospective application in future by making India's NSG waiver conditional on certain assurances. In the words of the Foreign Minister of Netherlands 'if, despite its guarantees, India fails to meet its commitments in the future, cooperation with the NSG will end automatically.'[674]

It was argued that 'India's inclusion in the regime would raise the costs of non-compliance with key regime elements in the future. For example, if it chooses to conduct another nuclear test, India might once again lose its access to international nuclear trade.'[675] Austria explained its position was influenced 'by India's formal declaration that it will keep its promises in the field of nuclear non-proliferation, follow the NSG's guidelines and, in particular, stick to its nuclear test moratorium,'[676] adding 'the NSG's decision makes it explicitly clear that the current exception is granted on the basis of these assurances.' Austria stressed 'its vote had been cast on the condition that India continues to comply with these assurances.'[677] Similarly, the Irish Foreign Minister emphasized India's 'statement reiterating its key positions on disarmament and non-proliferation,' including 'unilateral moratorium on nuclear testing and strong safeguards against nuclear proliferation to third countries.' However, Ireland and clarified that India was 'to honour all of its commitments, and that any breach of them would require the NSG to review its decision.'[678] The closer the linkage 'between the maintenance of the exemption and India's continued honouring of its commitments,' it was believed 'the more likely its future behaviour is to conform to the expectations of the international community and its own voluntary commitments.'[679]

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[673] Kienzle, Benjamin, 'Integrating without Breaking the Rules: The EU and India's Acceptance within the Non-Proliferation Regime,' *Non-Proliferation Papers*, EU Non-Proliferation Consortium, No.43, Feb, 2015, p.9.
[674] Statement by Dutch Foreign Minister Mr. Maxime Verhagen, 8th September, 2008.
[675] Keinzle, 'Integrating without Breaking Rules: EU and India's Acceptance within the Non-Proliferation Regime,' p.7.
[676] Press Statement by the Austrian Foreign Ministry on NSG's Exception for India. 8th Sep. 2008.
[677] Ibid.
[678] Ibid.
[679] Statement of the Minister for Foreign Affairs to the Irish Parliament 5th November, 2008.

The outcome of a 'prospective responsibility' in nuclear negotiations with India is indicative of the success of the non-proliferation efforts of the White Knights where 'negotiations have shown that there is a group of like-minded states within the NSG which are prepared to continue their consistent support for international security architecture, in particular in the field of nuclear non-proliferation' and an 'emphatic commitment to these endeavors.'[680]

The argument that India was a responsible nuclear state was also employed by the game-changers, who were interested in nuclear trade with India but did not want to be seen as "irresponsible nuclear suppliers." In Australia's case, for example, economic interests and the perceived material benefits of selling uranium to India, was strategically tied to a value and desire to be seen as responsible. Australia's own ratification of the NPT in 1973 and a 'desire to maximize the economic potential of Australia's uranium'[681] was carefully linked with a desire to be seen as a *responsible* NPT member leading to a decision to export uranium *only* to NPT states. Australia's non-proliferation policy can be seen premised on three main pillars. One, the goal of minimizing and reducing the risk of non-proliferation from uranium mining and export; two, being able to supply energy to meet the demands of an energy deficient world; three, a commitment to balancing this export policy with the land rights of the indigenous group in Australia and the environmental impact of uranium mining.[682]

The underlying reasoning behind each of the three pillars drew upon 'a shared understanding of the strategic and diplomatic benefits'[683] that the policy would accrue. It was believed that the first pillar would help bring other countries closer to the nuclear regime arguing that 'by only exporting uranium to NPT member-states under 'stringent' bilateral and International Atomic Energy Agency (IAEA) safeguards Australian uranium export policy would strengthen the non-proliferation regime by providing a 'tangible benefit' – i.e. access to Australian uranium – to states that abided by the treaty.'[684]

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[680] Press Statement by the Austrian Foreign Ministry on NSG's Exception for India. 8th Sep. 2008.
[681] Clarke, Michael, 'Australia, India and the Uranium Question,' *Australian Journal of Political Science*, 46(3), 2011, p. 491.
[682] Saddler and Martin, 'Australia Uranium and the Election,' *New Scientist*, vol.76, no.1081, 8th December,1997. Dr. Saddler, a research officer in the Ranger Inquiry, along with Dr. Martin noted that the government's decision 'was not surprising, given the widespread expectation of huge profits and a large contribution to export revenue from exploiting Australian Uranium deposits.'
[683] Clarke, 'Australia, India and the Uranium Question,' p.490.
[684] Clarke, 'Australia, India and the Uranium Question,' p.491- 492.

The second pillar was believed to accrue material and normative benefits form uranium export in terms of the voice it would bring Australia at the high table as a supplier but also as a *responsible* NNWS of the international community. The third pillar was believed to bestow a certain degree of domestic legitimacy that would balance the enormous domestic dissent the government faced for its uranium mining and export policy and to assuage concerns that were highlighted in the first report of the Fox commission.[685] In responding to India, Australia's unique nuclear responsibility[686] discussed above was carefully linked to India's responsible behavior argument that also enabled Australia to not block India's waiver despite its non-NPT state. The shift in the stance adopted by the Australian government from its long-held principled position of almost three decades and its firm stance even in the late 1990's[687] was itself premised upon Australia's three pillars of nuclear responsibility.

The Australian government argued that 'some inspections and some transparency'[688] was better than none at all endorsing that this would bring India closer to the regime. An Australian activist Tim Wright explained how 'many people within the Labor party, as well as government bureaucrats, were deeply unhappy with this proposal, that they felt would undermine Australia's reputation as a responsible uranium exporter. It was emphasized that uranium trade with India would help to lift India's poor out of poverty'[689] and meet India's growing energy demands and this was a responsible thing to do.

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[685] The Ranger Uranium Environmental Inquiry under Commissioner Justice Russell Fox in 1975 Fox Commission: inquired into the environmental impact of proposals by the Australian Atomic Energy Commission and the mining and milling of uranium at the Ranger site. It preceded the Government's decision on export policy in 1977 and had concluded that the expansion of the nuclear industry would also contribute to increased risk of nuclear war and fuel in future and foster a 'plutonium economy' with introduction of breeder and reprocessing reactor.

[686] Such an Australian position was unique and central to its non-proliferation policy because NPT membership is not a pre-condition for the NSG membership, which is an informal group and is criterion –based that requires 'adherence to one or more of the NPT, the Treaties of Pelindaba, Rarotonga, Tlatelolco, Bangkok, Semipalatinsk or an equivalent international nuclear non-proliferation agreement, and full compliance with the obligations of such agreement(s);[686] This is why Brazil was granted NSG membership in 1996 before it even acceded to the NPT in 1998 and to date, has not concluded the IAEA Additional Protocol, despite having 'reactors, nuclear materials, and research and development centers with nuclear-material-processing infrastructure.'[686] Therefore, although the dominant rhetoric around India's NSG waiver linked it to India's NPT status, there is no direct relation between the two.

[687] ABC News. 'PM Defends Uranium Sale to India,' ABC 16 August, 2007. Available at: www.abc.net.au/news/stories/2007/08/16/2007179.htm; Murphy, K. , 'Howard's U-Turn on India. The Age, 30 March, 2007.Available at: www.theage.com.au/articles/2007/03/29/1174761667423.html

[688] Downer, A, Speech and Question and Answer Session, Energy Environment and Air Quality Policy Forum. Los Angeles, 13 January, 2007. Available at: http://www.foreignminister.gov.au/transcripts/2007/070113_eeaqpf.html

[689] Author's Skype interview with Tim Wright, Director of Campaign, International Campaign to Abolish Nuclear weapons (ICAN), Australia, 18th November 2014.

By arguing that this would enable Australia to further its 'grand bargain' around the three pillars helped justify Australia's shift to its public and domestic political opposition. One, this was seen in sync with *Australia's value of responsibility,* to uphold the non-proliferation regime and limit proliferation as India would be required to adopt a IAEA safeguards and open its civilian nuclear facilities to IAEA inspection.[690] Two, it was seen to maintain Australia's high moral position and 'seat at the table'[691] in the nuclear regime, particularly, the NSG.

Similarly, Canada's understanding of what it means to be a responsible nuclear supplier partly came from past experience where India's PNE was conducted by diverting plutonium from a Canadian supplied nuclear reactor. This formed 'the fundamental basis and rationale for'[692] Canada's non-proliferation policy after 1974. In December 1974 'Canada unveiled a new proliferation policy'[693] requiring a binding assurance from buyers that Canadian nuclear material, equipment, and technology would not be used for a nuclear explosive device, and rejected the excuse of peaceful nuclear explosions. Secondly, 'Canada removed any potential distinction between a 'peaceful nuclear explosive device' and 'nuclear weapons' laying down a condition for a 'non-explosive use commitment' by any country receiving Canadian nuclear materials and equipment, that would now require a prior consent 'for any re-transfer of Canadian-supplied nuclear items, for any reprocessing of fuel either supplied by Canada or used in Canadian-supplied facilities, or for storage and high enrichment of nuclear fuel.'[694] As a result of the Indian experience, the normative requirements extended 'to non-Canadian equipment or nuclear material used in conjunction with or produced from supplied Canadian nuclear items, and to equipment manufactured on the basis of technology provided by Canada or through reverse engineering.'[695]

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[690] Robb, A., 'Uranium Sales to India: A Strategic Imperative', *Sydney Papers* (Autumn 2008a), p.60. Also, see Robb, A., 'Nuclear India is Good for the Globe,' *The Australian*, 28 July, 2008b. Available at: http://www.theaustralian.com.au/news/opinion/nuclear-india-is-good-for-globe/story-e6frg6zo -1111117030788 .

[691] Clarke, 'Australia, India and the Uranium Question,' p.495.

[692] Stansfield, Ronald. E., 'The Impact of the US-India Joint Statement for Canadian and International Nuclear Non- proliferation Efforts,' in Wade L. Huntley and Karthika Sasikumar (edited) *Nuclear Cooperation with India: New Challenges, New Opportunities*, The Simons Centre for Disarmament and Non-Proliferation Research, 2006.pp: 38.

[693] Noble, Lance, 'Canadian Nuclear Cooperation with India in Historical Perspective,' in Wade L. Huntley and Karthika Sasikumar (edited) *Nuclear Cooperation with India: New Challenges, New Opportunities*, The Simons Centre for Disarmament and Non-Proliferation Research, 2006, p.80.

[694] Neil, Ross, 'India's Rise to Nuclear Power Status and the Development of Canada's Nuclear Non-proliferation Policy,' in Wade L. Huntley and Karthika Sasikumar (edited) *Nuclear Cooperation with India: New Challenges, New Opportunities*, The Simons Centre for Disarmament and Non-Proliferation Research, 2006, p.33.

[695] Stansfield, 'The Impact of the US-India Joint Statement for Canadian and International Nuclear Non- proliferation Efforts,' p. 38.

There was the weight of a sense of moral responsibility for Canada because of such an indirect contribution to India's explosion due to India's 'irresponsible' transfer of technology from a Canadian supplied reactor. Thus, constituting India as a responsible state, explained the Canadian Political Chancellor 'enabled countries including Canada to justify any shift in policy towards India after 1998,' and the 'language of responsibility was important to make convincing arguments about reversing policy.'[696] India's identity as a responsible state 'with a good record of horizontal non-proliferation'[697] came to 'constitute Canada's primary justifications that India had not transferred nuclear technology to the bad guys, from at least, what is there in the public domain'[698]

For, Germany and Japan, normative commitments and claims of being responsible non-nuclear weapons states served a prohibitive role and their responses reveal the constraints but also the possibilities on which a subsequent shift was made possible. There are two key preliminary observations. Firstly, in the case of Germany, the normative prohibition against nuclear weapons and nuclear energy is perhaps stronger than even Japan's. A strong antinuclear sentiment reflected in the attitudes of the German elite as early as 1955, when almost 75% of the 'Germans associated even nuclear energy with war and death.'[699] A normative link was made with Hiroshima atomic bombings as German protestors raised the slogan "No Euroshimas."[700] Secondly, it was possible for Japan— to shift its response to India and 'not come in the way of India's NSG waiver,' — far more easily than one would expect. Japan's normative prohibition is sustained by a belief that nuclear weapons are forbidden by the Japanese constitution[701] under Article 9 that prohibits use of military force for other than self-defense. However, leading upto the 90's 'Japan's policy on nuclear weapons and on nuclear energy...were not necessarily closely connected in the minds of Japanese policymakers.'[702]

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[696] Author's interview with Canadian Chancellor Sven Jurschwesky, 3rd August' 2012, New Delhi.
[697] Ibid.
[698] Ibid.
[699] Rublee, *Nonproliferation Norms: Why States Choose Nuclear Restraint*,' p.188.
[700] Ibid.,p195. Also see, Carson, Cathryn, 'Going Nuclear: Science, Politics, and Risk in the Federal Republic of Germany in the 1950s,' *BMW Center for German and European Studies,* working Paper No.8-04, March, 2004, p.23.
[701] Rublee, *Nonproliferation Norms: Why States Choose Nuclear Restraint*,' p.195.
[702] Imai, Ryukichi (Ambssador), 'Japan's Nuclear Policy: Reflections on the Immediate Past, Prognosis for the 21st Century,' in Raju G.C. Thomas (edited) *The Nuclear Non-Proliferation Regime: Prospects for the 21st Century*, Macmillian Press ltd. 1998, p.183.

Thirdly, historically, Germany and Japan's defeat in the World War II also provides the context for their nuclear forbearance and their decisions to forego nuclear weapons and join the NPT also played a role in how and why they responded to India in the manner that they did. For example, Germany's decision to forego nuclear weapons was linked to a desire to be seen as a responsible state that would enable Germany to keep the nuclear option open. There was a desire to be seen in a particular way but also of the recognition of the strategic value it was believed to bring. A commonly accepted explanation is that 'Germany was forced to forswear nuclear weapons 'by the victors of the Second World War.'[703] While, the idea of reunification was strategically and politically very important to West Germany and its leaders, they also desired to be seen as a responsible state. The claim of being a responsible state was linked to the idea of forgoing nuclear weapons, in fact, 'being a responsible member of the civilized world was directly linked with staying non-nuclear, especially for Germany.'[704] The officials and the German elites also believed that foregoing nuclear weapons would allow them to possess nuclear weapons in future 'once they would have proved to be a reliable, responsible, and civilized state.'[705]

From a German perspective, 'the rearmament and resumed sovereignty of West Germany and its entry into the Western alliance system depended upon the country not possessing nuclear weapons.'[706] The idea of good international citizenship and responsible behavior was tied to nuclear forbearance as the German government 'viewed civilian-particularly economic and social achievements as equally or more important than being on a level playing field with France and Britain in military terms.'[707] And 'up until the early 1960s West German leaders did not develop nuclear weapons because they could not,' thereafter, 'they simply no longer wanted these weapons due to a change in goals.'[708] Germany avoided using the rogue argument and therefore, as Dr. Meier explained 'in this regard, too the responsible identity served as a better normative reason and justification as to why India was different. '[709]

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[703] Paul, T.V., *Power versus prudence: Why Nations Forgo Nuclear Weapons*, Quebec City, McGill-Queen's University Press, 2000, p.43.
[704] Rublee, *Nonproliferation Norms: Why States Choose Nuclear Restraint*,' p.194.
[705] Müller, Harald, 'German Identity and WMD Proliferation,' *Nonproliferation Review* (Summer 2003), p.1-20, p.:2
[706] Campbell, Kurt M.,Robert J. Einhorn and Mitchell B. Reiss (edited), *The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices,* The Brookings Institution Press, Washington D.C. 2004, pp:178.
[707] Müller, 'German Identity and WMD Proliferation,' p.3.
[708] Rublee, *Nonproliferation Norms: Why States Choose Nuclear Restraint*,' p.193.
[709] Author's Skype interview with Dr. Oliver Meier, 26th November 2014.

Germany's Ambassador to India referring to international efforts 'to get Iran to renounce the enrichment of uranium' further clarified Germany's position in stating that 'the Foreign Minister [Frank-Walter Steinmeier] has expressed reservations about the timing of this deal,....at the same time, everybody in Germany understands, the Foreign Minister more so than anyone else, that you cannot make a comparison between India and Iran, not only because one is [a] partner to the NPT and the other one is not, but also because India has a proven record of being a reliable and responsible state as far as [non-] proliferation is concerned.'[710] On a similar note, Japan's reasons for ratifying the NPT and forgoing its nuclear option was linked to an unhindered access to nuclear technology. Japan remained interested in the scientific and technical aspects of nuclear energy and the question of 'retaining the nuclear option' was given serious attention only in the period leading up to the NPT ratification in 1975. Ambassador Imai points out how Japan was neither involved in the drafting of the NPT and as such 'not interested in the 'fine structures' of nuclear armament and even less interested in the nuclear energy debates' with 'virtually no role to play other than as an interested bystander.'[711]

Similar to India's arguments for access to nuclear trade and technology, Japan had argued 'equal treatment under an international treaty does not mean same treatment' and 'important allies like Japan and Germany, for example, should be treated differently and subject to different strategic evaluations than other countries.'[712] It is also pertinent to note that 'Japan lifted economic sanctions three years after its imposition' in 1998 'without getting any assurance from India on the Nuclear Non-Proliferation Treaty (NPT) or the Comprehensive Test Ban Treaty (CTBT) regimes, two key issues of contention in their diplomatic relations.'[713] Instead, for Japan commercial competitiveness in the international market of nuclear technology was of primary concern evident from an active role in multilateral negotiations in Geneva in the 1970's for a 'model agreement' between the NPT and the IAEA. It may be inferred that Japan's condemnation of India after 1998 as well as support for India at the NSG had both a political foundation and overtones as well as a strategic employment of normative arguments to pursue interests.

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[710] Statement of German Ambassador Mr. Bernd Mutzelburg quoted in *The Hindu*, April 19,2006
[711] Imai, 'Japan's Nuclear Policy: Reflections on the Immediate Past, Prognosis for the 21st Century'.
[712] Ibid.,p. 194
[713] Paul,Joshy, M.,India, 'Japan Security Cooperation: A New Era of Partnership in Asia,' *Maritime Affairs: Journal of the National Maritime Foundation of India*, Vol.8, no.1 2012, p.34.

Some scholars suggest that Japan's 'energetic responses to the nuclear blasts'[714] albeit, 'unusually sharp'[715] was not entirely driven by security concerns. The 'specific security concerns emanating from India's and Pakistan's nuclear tests do not appear to have been the driving consideration behind Japan's energetic initiatives to promote disarmament and nuclear non-proliferation, and reduce tensions between India and Pakistan.'[716] Instead, it was driven by political ambitions and Japan's attempts to a permanent UNSC seat as led by the Japanese Ministry of Foreign Affairs (MOFA). Japan's 'over-arching post-nuclear tests strategy'[717] towards India involved efforts 'to contrast its responsible behavior with India's irresponsible actions in order to undermine New Delhi's competing claim to a permanent Security Council seat...motivated mainly by a desire to demonstrate responsible political rather than economic leadership,' Japan made attempts to burnish India's claims 'to a permanent United nations Security Council seat, and exert initiative on nuclear matters.'[718] Overall, India's identity as a responsible state was employed in the responses of the reluctant supporters and found resonance in a comparison to other state such as Pakistan or Iran. India was endorsed and supported as a responsible state that had no history, at least to the public knowledge of illicit or otherwise transfers of sensitive technology to other states or non-state actors, unlike its nuclear neighbor to its west.

7.2 Democracy and Development

To justify and explain why India deserves to be treated differently and 'should be brought into the system by unilateral initiatives,' India's identity as a 'dynamic democracy that does not pose a threat to international peace'[719] was also employed in international responses. Sasikumar argues that 'while democracy has apparently very little to do with the legitimacy of nuclear weapons—Russia and China obtaining international recognition as NWS while they were not democratic,' this factor has gained importance over time.[720] The 'promotion of democracy has been high on the

[714] Ibid.
[715] Brewster, David, 'India-Japan Security Relationship: An Enduring Security Relationship,' *Asian Security*, 6, (2), 2010, p.70.
[716] Limaye, Satu.P., 'Tokyo's Dynamic Diplomacy: Japan and the Subcontinent's Nuclear Tests,' *Contemporary Southeast Asia*, Vol. 22, No. 2 (August 2000), p. 332.
[717] Ibid.,p.325.
[718] Ibid.,320
[719] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power,' p.834
[720] Ibid.,p.833.

agenda of the international community since well before the 1990s, either as part of national or multinational security policies, international development cooperation, or independent projects for the promotion of democratic institutions, the rule of law and a plural civil society.'[721] As 'democracy promotion occupied a powerful place in foreign and security policy,' during the Cold War years even after the end of the Cold War and since the early 1990's 'the spread of democracy,' has constituted an integral part of US foreign policy and has been linked to 'ensuring U.S. national security.'[722]

However, how and in what ways does democracy actually lead to peace? And how and in what manner did India's democratic identity actually matter in international perception specifically, in the nuclear context is still finding ground. The existing literature on 'democratic peace' mainly argues that democracies are unlikely to go to war against each other and there is 'reams of evidence,' to 'indicate, democracies have been consistently unwilling to label their peers as security threats.'[723] Perhaps, 'this perceived wisdom that democracies don't fight each other that had deep psychological roots in the Cold War and democracy versus communism,' as Australian diplomat Mr.Lennane argued 'made it easier for the west to see India as much more friendly than Pakistan or even China for that matter.'[724] Yet, there is a need to say something more about the role of democracy in India's nuclear reconciliation after 1998 and the manner in which India's democratic identity made it possible to 'defuse security' and constrained labeling India a threat, thereby at the very least, creating an opportunity and normative space to perceive a nuclear India in relatively benign terms. After 1998, as a window of dialogue opened, Ambassador Sharma explained how India was lauded 'for a 50-year history,' and as a country that 'demonstrates peaceful intent exercised within a democratic society'[725] and was espoused 'as a natural interlocutor with common approach, common values and rule-based international order.'[726]

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[721] Grimm And Sonja, Merkel Wolfgang, 'War and Democratization: Legality, Legitimacy and Effectiveness,' *Democratization*, Vol. 15, n. 3, June, 2008, p.457

[722] Hayes, Jarrod, *Constructing National Security: U.S. Relations with India and China,* Cambridge University Press, New York, 2013, p.92.

[723] Ibid., p. ix.

[724] Author's Interview with Richard Lennane Australian Foreign Service. Former Head, Implementation Support Unit, Biological Weapons Convention (BWC) at The Hague, on 1st September 2014.

[725] Authors interview with Ambassador Sheel Kant Sharma, Indian Ambassador to Austria and Permanent Representative of India to all international organizations, Vienna (2004-2008), , 3rd August 2012, New Delhi.

[726] Statement by Jean Christian Remond, former head of the European Commission Delegation in New Delhi, *PTI News Agency*, 2007; 'EU to explore cooperation in civil nuclear energy with India–Official,' *BBC Monitoring South Asia*, 1 April, 2007. Available from: https://www.lexisnexis.com

India was endorsed as a 'shining example of a large nation, still developing, that manages to be genuinely democratic.'[727] The Indian side reveals, Ambassador Parthasarathy explained 'that the language of democracy was important for it mattered for these key players,' and 'as such, was not an issue that had to be sold to any state in the targeted audience.'[728] India's democratic identity seemed to appeal and have a higher 'selling value' in 1998 taking into account the socio-political context in which India as a "nuclear weapons possessors" was being evaluated and assessed in a post-Cold War nuclear order. Similarly, explaining 'how the absence or presence of democracy has affected state decisions to abandon nuclear programs after 1970,'[729] Perkovich highlights the case of South Africa, Brazil and Argentina where democratization might have facilitated unproliferation in these countries.

Moreover, how democracy and its underpinnings, for example equity, transparency and political consensus, may be applied or actually operate in the nuclear context is also different. Perkovich points to 'the recognized and threshold nuclear weapon states' such as P3, India, Israel and Pakistan drawing attention to 'the way in which democracies thus far have managed nuclear policy,' arguing that 'virtues of democracy have not been adequately applied to nuclear policymaking,' because, 'perhaps nuclear policy has been so shrouded in secrecy and left so dependant on the judgment of a few insulated military and scientific establishment.'[730] India's democratic credentials, an important element of its legitimation strategies also reflected in the international responses. India's democratic identity seemed to matter as it 'chimed with western values in the backdrop of the breakdown of the Soviet Union' and as the Australian diplomat went on to explain that 'there was a satisfaction that democracy was spreading, which was seen as a good development for peace and security in the perspective of the U.S and its allies. India very cleverly reinforced those normative goals.'[731] On the other hand, Hayes explains how 'democratic identity in turn, shapes the range of possibilities political actors have in terms of presenting external actors as threats by making some claims—those involving other democracies-implausible.'[732]

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[727] Blair, Tony, *A journey*, London: Hutchinson, 2010, p. 688

[728] Author's Interview with Mr. Gopalapuram Parthasarathy Deputy Secretary (1976-78) Ministry of external affairs); Counselor (Political and Press) Embassy of India, Washington D.C; information advisor & spokesman for PM Rajiv Gandhi (1985-90) on 27th Sep. 2012, New Delhi

[729] Perkovich, George, *India's Nuclear Bomb: The Impact on Global Proliferation* (Berkeley, University of California Press), 2001, p.460.

[730] Ibid., p.463.

[731] Authors interview with Mr. Richard Lennane, 1st September, 2014, The Hague.

[732] Hayes, *Constructing National Security: U.S. Relations with India and China,* p.X.

The constitutive effect of India's democratic identity enabled these other states to justify, explain and ground arguments for differentiating India from other nuclear outlaws, such as Iran and DPRK that were the subject of a potential security threat, state-sponsored terrorism, and were seen as proliferators and in non-compliance with the NPT norms. In setting the ground for justifying as well as accepting a 'double standards' towards India, the US Undersecretary of State for Political Affairs grounded India's differential treatment in the political value of democracy. He argued:

> We treat India, a democratic, peaceful friend, differently than we treat Iran and North Korea and we're very happy to say that. India is inviting the IAEA [International Atomic Energy Agency]. Iran is pushing the IAEA out. India is playing by the rules. Iran is not. If that's a system of double standards, we're very proud to establish that double standard on behalf of a democratic friend.'[733]

The 'crucial role of Indian democracy' and democratic identity in 'legitimizing its arsenal,' is evident in the 'frequent reference to— and denunciations of— the autocratic regimes in Iran and North Korea when their nuclear programs are in question.'[734] Such "references" arguably came from the camp of the international audience and the Indian government relied much more on a comparison with its nuclear neighbors, Pakistan and China to frame arguments where the former was a democracy in transition and the latter a non-democracy. Making a similar point about democratic polity and identity, Iranian Nobel Peace Laureate Shirin Ibadi argues that it is the absence of 'a democratic basis for the government,' in Iran that 'is what makes its nuclear issue problematic.' Ibadi notes that 'the government of Iran has stated that it does not want to make a nuclear bomb. The problem is that the world doesn't believe this. Clearly, without democracy, the government doesn't have credibility. There are countries that already have nuclear weapons, like France, but is anyone afraid of them? No, because they have democracy. In my opinion, the best security guarantee against an attack on Iran is democracy, not theocracy.'[735] India's democratic identity enabled states seeking to reconcile with India to justify responses to an international community and 'desecuritize Indian nuclear weapons in a context where nuclear weapons and their proliferation had been securitized' as they 'relied on shared democracy and attending package of linked values and interest.'[736]

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[733] Ruppe, David, 'U.S. Acknowledges "Double Standard" on Indian Deal,' *Global Security Newswire*, April 12, 2006
[734] Sasikumar, 'India's Emergence as a "Responsible" Nuclear Power', p.833.
[735] Ebadi, Shirin 'Global View Point', *New Perspectives Quarterly*, Vol.31, no.2, Spring 2014. Available at http://www.digitalnpq.org/articles/global/82/05-16-2006/shirin_ebadi
[736] Hayes, *Constructing National Security: U.S. Relations with India and China*, p.92.

India's democratic identity enabled alignment of the game-changers and the white knights as it signaled values that mattered in post-Cold War order—shared belief in peace, a relatively low threat perception, a certain degree of trust and an almost zero tolerance for horizontal proliferation to other non-NNWS reflected in strict export controls and domestic legislations. A constitutive effect of democracy affected how states received India's claims and enabled for India to be seen as a 'non-threatening member of international society.'[737] Democracy, as an 'inter-subjectively shared value,' argued Ambassador Parthasarathy resonated with reluctant states and was employed in the international responses of these states.[738]

Further, 'the legitimization of democracy support and expansion activities,' was framed not only 'through reference to the liberal peace thesis, the war on terror,' but also the 'new thinking in socio-economic development and human security.'[739] In other words, India's economic development and the need to meet its growing energy demands was also espoused as a reason and justification for nuclear engagement with India and its subsequent NSG exemption in 2008, particularly by the P3 and the game-changers. India was seen as a democracy that had set in motion the process of liberal economic reforms. While democracy 'as a value based- argument was persuasive in itself'[740] it also implied a feasible socio-economic context for nuclear trade with India. In this context, international perception was favorable to countries that resolved issues of economic development, poverty and unemployment within a democratic setting. India's transition from a socialist democracy to a liberal democracy provided the economic prism through which an evaluation of India's claims for energy and development were perceived far more positively. A comparison with China is apt that may be 'well ahead, in terms of the size of the economy, its impact on world trade, and its per capita gross domestic product (GDP),' but 'many western analysts.....put their money on India' due to its 'democratic structure.'[741]

India's emerging identity as a 'responsible nuclear state' was married effectively to India's democratic identity in a global and strategic context. The Irish Foreign Minister explained Ireland's reluctant support, arguing 'India is the largest, most populous, and economically most significant country in south Asia. It has a distinguished tradition of parliamentary democracy, responsible government, respect for pluralism and human rights and a vibrant independent media — traditions and values which India almost uniquely in the region embodies.'

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[737] Price, Richard, 'Nuclear Weapons Don't Kill People, Rogues Do', *International Politics*, vol. 44,2007, p.243.
[738] Author's Interview with Mr. Gopalapuram Parthasarathy, 27th Sep. 2012, New Delhi.
[739] Buxton, Julia, 'Securing Democracy in Complex Environments,' *Democratization*, Vol 13, Issue 5,2006, p.710.
[740] Author's Interview with Richard Lennane, 1st September 2014, The Hague.
[741] Luttwak, Edward N., *The Rise of China vs. The Logic of Strategy,* Harvard University Press, 2012, p.264

Additionally, India's contribution to peace as an 'active contributor to UN peacekeeping' was acknowledged remarking that 'such values, actions and mutual interests constitute the basis of Ireland's relationship with India.'[742] Similarly, the Dutch Foreign Minister stated, 'I support India in its wish to generate nuclear energy for the development of its economy...we must make sure that nuclear knowhow does not fall into the hands of the "wrong" countries or groups.'[743] Sweden's strategy on India between 2005-2009 published by its Ministry of Foreign Affairs acknowledges the world's largest democracy outlining a framework for international development cooperation that views democracy and human rights, environmental protection and scientific cooperation as the focus areas.[744] As India employed the argument of a billion people in need of development embedded within India's democratic identity, it facilitated positive responses towards India. An Australian activist Tim Wright explained how the 'Australian government emphasized that India was a thriving democracy that should not be treated as a pariah. "If we are willing to sell uranium to China and Russia, we should also sell it to India" was emphasized so as to help lift India's poor out of poverty. It was almost presented as a charitable gesture and this argument carried weight. Those who opposed it were cast as uncaring.'[745] Even though 'a lot of countries have ties with non-democratic countries, it became relevant because of a political value. The argument of democracy was well used and received. And from a Japanese perspective,' the Japanese diplomat at the Ministry of External Affairs went on to explain that 'China was growing very fast and the strategic balance in the international order was changing, especially, in the Asian region. To counter a growing China, it was argued, we need India. Democracy was a convincing argument to ground and strengthen ties with India. Perhaps, a political game but one where democracy had a strategic value and role.'[746] Similarly, the shared notion of a 'common democratic federal systems, and multiethnic cultures,' was emphasized by the Canadian foreign minister David Emerson as he justified Canada's NSG support arguing that India was a 'responsible democracy that shared the fundamental values of freedom, democracy, human rights and respect for rule of law.'[747]

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[742] Statement of the Minister for Foreign Affairs to the Irish Parliament on 5th Nov 2008.
[743] Statement by Dutch Foreign Minister Mr. Maxime Verhagen on 8th September 2008.
[744] Report 'Country Strategy: India 2005-2009' published by the Government of Sweden. http://www.government.se/contentassets/d002c2f8ca4840178e38cb7ac1306fda/country-strategy-india-2005-2009
[745] Author's Skype interview with Tim Wright, Director of Campaign, International Campaign to Abolish Nuclear weapons (ICAN), Australia, 18th November 2014.
[746] Author's phone Interview with Mr. Michira Nishida, Deputy Director and Special Assistant for Disarmament and Non-Proliferation, Japanese Ministry of External Affairs, Japan, 18th December, 2014.
[747] Jain, Ajit, 'Nuclear deal with India: Canada beats US,' *RediffNews,* January 17 2009, Available at: http://www.rediff.com/news/2009/jan/17ndeal-with-india-canada-beats-us.htm

One may argue that the Canadian decision to supply uranium to India and support the NSG waiver 'as such may have nothing to with democracy per se' as the Canadian Nuclear Chancellor stated. However, as the diplomat went on to explain that 'India's democratic identity played an enabling role in the context of 9/11 terrorist attacks and the nuclear proliferation Wal-Mart between Pakistan, DPRK and Iran. It became important from the viewpoint of the kind of role that India as a democracy was expected to play and the value it adds and the weight it brings, politically to India's potential to be a strategic player.'[748] It was also seen as a basis for a more fair and independent rationale in assessing India, for example, it 'allowed Canada the semblance of autonomy in its foreign policy, enabled Ottawa to reach out toward other emerging Afro-Asian countries, provided a sense of distance from the dominant voice of the United States within the Atlantic Alliance, and fostered a belief that Canada would be an 'honest broker' in world affairs.'[749] Similarly, in justifying the shift after 1998 and support for India's NSG waiver, 'India's democratic identity also implied shared values of the international community. While NSG states were critical of India's nuclear tests, one cannot deny that there are some common values and principles and those were argued to be more common with India as a democracy than with some other countries. In other words,' as the German Political Counselor Dr. Wasielewski further articulated 'the rise of a democratic India was not perceived as a threat and it was explained as a win-win situation and overall a favorable development in a post-Cold War world.'[750]

India was indeed the world's largest democracy since independence but the difference was the extent to which India's democratic identity was recognized in the international responses of other states. Thus, the opportunity created by India's democratic identity after 1998 in the context of the collapse of the Soviet Union facilitated and enabled a shift in international responses thereby making it possible even for reluctant states such as the game-changers to make the decision of not coming in the way or for the white knights to not block India's waiver at the NSG in 2008.

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[748] Author's interview with Chancellor (Political and Economic Affairs) Mr. Sven Jurshwesky at the Canadian High Commission, New Delhi, India, 3rd August' 2012.

[749] Mansur, Salim, 'Canada and Pakistan: At the Beginning,' in Arthur G. Rubinoff ed., *Canada and South Asia Political and Strategic Relations* (Toronto: Centre for South Asian Studies, the University of Toronto, 1992), p.50.

[750] Authors interview with Dr. Lukas Wasielewski Counsellor, Political Counselor, Embassy of the Federal Republic of Germany at New Delhi, November 26th, 2012

PART THREE

EVALUATION AND CONCLUSION
[SUCCESS AND POLICY IMPLICATIONS]

CHAPTER EIGHT

Evaluating India's Success as a Nuclear Possessor

An evaluation of India's success is embedded within a discussion of the third subsidiary question, that is, the ways and extent to which India has been successful and/or unsuccessful in acquiring nuclear legitimacy for its possession of nuclear weapons. A consensus-based NSG waiver in 2008 is an empirical example of an apparent success of India's reconciliation strategies and indicative of acquiescence. However, the ways and extent to which India actually succeeded in certain aspects may differ and this is evaluated along the different benchmarks of legitimate access, NSG participation and international nuclear commerce, de facto recognition of India's possession of weapons and India's compliance with the international norms and rules.

The 'world's technical barriers to proliferation on the day after the [1998] tests were the same as on the day before' and the impact of the 1998 tests 'lay not [only] in its technical capacity but in its political decision to make its capacity overt.'[751] As a long drawn-out and complex process of reconciliation followed this political decision of the Indian government, the latter engaged in efforts to convince other states in the targeted audience by employing different kinds of arguments to present its case after 1998 leading up to the NSG waiver in 2008. The NSG waiver in 2008 is viewed as an outcome of this process of negotiations between India and the states in the targeted audience and of the subsequent acquiescence that accrued for India as a nuclear possessor. The nuclear negotiations outlined in this chapter will reflect the ways in which India was accommodated within the existing framework of the NSG to 'facilitate legitimate nuclear trade by providing a mechanism that permits nuclear cooperation in a manner consistent with international nuclear non-proliferation norm.'[752] More importantly, the participating states including the supporters did not want to be seen as undercutting the rules of the NSG.

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[751] Bruneau, Richard, 'Engaging A Nuclear India: Punishment, Reward, and the Politics of Non-Proliferation', *Journal of Public and International Affairs*, volume 17, Spring 2006, p.31.

[752] 'The Nuclear Suppliers Group: its origins, role and activities', Attachment to communication of 28 August 2003 received from the Government of the United States of America on behalf of the member states of the Nuclear Suppliers Group, INFCIRC/539/ Rev.2, 16 Sep. 2003.

A reconciliation process enabled states across the three groups in the NSG to extract certain non-proliferation commitments and assurances from the Indian government that were neither achieved during the early stages in the negotiation nor likely to be achieved even otherwise. An inalienable right of states enshrined in Article IV of the NPT 'to develop research, production and use of nuclear energy for peaceful purposes without discrimination' was carefully balanced with what was perceived as legitimate nuclear trade and an 'identification of sensitive destinations'[753] based on a substantive and political assessment of capable, trusted and responsible players. In this way, the NSG rules were applied in a manner that sought to determine who should get access and to what extent*?* Given this, the present chapter is structured as follows.

To address the ways and extent to which India is successful/ unsuccessful is evaluated along some broad benchmarks of access and participation, de-facto recognition and international norms and rules. The first section discusses the benchmark of legitimate access, NSG participation and international nuclear commerce in asking: (a) what has India gained legitimate access to?; b) the extent of India's participation in the NSG and club membership? and c) actual operation of nuclear facilities and agreements between India and selected states for nuclear trade. In the second section, this chapter evaluates India's success along the benchmarks of *a de-facto recognition* that include the following aspects: (a) the extent of India's separation of civil and military sites; (b) the extent of India's actual weaponization; and (c) the extent to which India's nuclear weapons are operationalized and recognized. And within this third aspect of operationalization, the issues of nuclear safety, nuclear security and nuclear liability are also briefly discussed in the international context. The final section outlines the third benchmark of international norms and rules that offers a broader evaluation of the ways and extent to which India complied with the norms and the rules. Here, the discussion highlights the normative arguments that were successful and the ways in which India was in alignment and adherence with the valued rules of the nuclear regime.

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[753] Anthony, Ian and Sibylle Bauer, 'Controls on security-related international transfers,' SIPRI Yearbook, 2009, p.459. http://www.sipri.org/yearbook/2009/files/SIPRIYB0912.pdf

Benchmark I: Access and Participation

What has India gained access to?

The NSG waiver viewed 'as a major success for India's nuclear ambitions'[754] indicates a legitimate access that was sanctioned and approved multilaterally and consensually by the NSG participating countries. However, an assessment of such a procedural legitimacy that was also claimed on the Indian side requires an evaluation of the ways and extent to which India was actually granted 'access' to legitimate nuclear trade and market. Thus, the *extent* to which India gained *access* offers an evaluation of the success of its legitimation strategies and here India's report card is a mixed one. For example, India was not successful in gaining access to sensitive hi-tech technology and enrichment and reprocessing (ENR) technology transfers. The issues of ENR transfer did not feature in the several previous drafts circulated in the NSG between 2006-2008.

However, the final draft that granted India the exemption noted that 'transfers of sensitive exports remain subject to paragraphs 6 and 7 of the guidelines,' and the said paragraph 6 of the guidelines stipulates that 'suppliers should exercise restraint'[755] in sensitive transfers. Importantly, much of the last minute commitments were extracted from India on the issues raised by the opposition including a September 5th 2008 statement by the Indian government that was basically a political assurance at the highest level that India will not be the source of proliferation, will maintain strict export controls, a unilateral moratorium on testing, affirm its no-first use policy and conclusion of an IAEA Additional Protocol in near future. This was key to align White Knights in the NSG and the inclusion of India's September 5th statement for the NSG waiver granted on September 6th 2008 was a result of the heavy lobbying by the White Knights. It was Netherlands and Norway that 'sought a political statement from India affirming its non-proliferation commitments'[756] and enabled to bring on board these two and facilitated efforts to convince the other white knights. Switzerland accepted India's statement to the extent that 'nuclear cooperation must terminate if India does not uphold its moratorium on nuclear explosions.'[757]

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[754] 'India gets NSG waiver, Manmohan calls it historic deal,' *The Indian Express*,6th September, 2008

[755] Kimball, Daryl, G., 'Full text of September 6th 2008 Text, Analysis, and Response to NSG "Statement on Civil Nuclear Cooperation with India," September 6, 2008. Available at https://www.armscontrol.org/node/3345

[756] Mistry, Dinshaw, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, Cambridge University press, 2014, p.192.

[757] Hibbs, M. and Horner, D., 'Scope of NSG exemption for India yet to be defined by member states,' *Nucleonics Week*, 11 September, 2008.

Ireland eventually came on board with its 5th September statement acknowledging an assurance by existing NSG members 'that none of them intend to transfer ENR technologies to India and asserting 'its understanding, based on consultations with other governments, that no [participating NSG member] currently intends to transfer to India any facilities, equipment, materials or technology related to the enrichment of uranium, or the reprocessing of spent fuel.'[758] New Zealand, one of the last to acquiesce along with Austria, insisted on an 'auxiliary measure'[759] expressing that 'the waiver for India meets with international nuclear non-proliferation architecture.'[760] A press statement by the Disarmament and Arms Control, Government of New Zealand sums up this process:

> New Zealand and like-minded countries such as Ireland and Austria sought to ensure that allowing the exemption to proceed would have a net positive benefit for non-proliferation. However, New Zealand had particular concerns it wanted to be addressed. This included action to be taken in the event of the resumption of nuclear testing and the question of the transfer of sensitive technologies related to enrichment and reprocessing. New Zealand also wanted India to sign up to the IAEA's Additional Protocol, which extends that body's powers of monitoring and inspection. It also sought review provisions for the exemption. The concerns were addressed to a significant degree by India in a formal statement. India has reiterated its commitment to a voluntary unilateral moratorium on nuclear testing. It has indicated support for international efforts to limit the spread of enrichment and reprocessing and pledged it will not be the source of such proliferation. It has committed itself to sign and adhere to the Additional Protocol with respect to India's civil nuclear facilities. These undertakings are referenced in the NSG statement on Civil Nuclear Cooperation with India, which also notes constraints on transfer of sensitive exports. It makes provision for reviewing the exemption and for countries to raise any concerns about how the exemption is operating. New Zealand, along with others at the NSG, pressed for the strongest possible safeguards to be written into the exemption. In the end we accepted the consensus reached. In doing so, New Zealand noted that the NSG would need to be vigilant in implementing the exemption in order to realise the Non-Proliferation benefits and indicated that it would be monitoring that process closely.[761]

The above statement reflects the extent to which India was granted legitimate access to nuclear trade by the NSG waiver in 2008. In outlining the process of convincing the nuclear supplier countries, Mistry highlights similar expectations by the game-changers who were not as opposed as the White Knights nonetheless, expressed their reservations.

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[758] Boese, Wade, 'NSG, Congress Approve Nuclear Trade with India,' *Arms Control Today*, October 2008
[759] 'Huddle to amend text as NSG meet drags on,' *The Telegraph,* Calcutta September 5, 2008.
[760] http://archive.indianexpress.com/news/india-gets-nsg-waiver-manmohan-calls-it-historic-deal/358098/
[761] 'India gets NSG Waiver Manmohan cals it "Historic Deal," *The Indian Express*, September 6, 2008.Available at http://www.beehive.govt.nz/release/nuclear-suppliers-group-approves-indian-exemption

For instance, Canada also 'sought a NSG Review mechanism as well as provisions for a special NSG meeting if India conducted a nuclear test.'[762] Germany 'indicated that it would welcome stronger non-proliferation assurances from India such as a firmer pledge to not conduct nuclear tests.'[763] And Japan 'also voiced concerns' about 'Indian nuclear testing and ENR restrictions.'[764] From the perspective of the Indian government, India has been successful to the extent that there was no legal clause for an *automatic termination* of nuclear trade with India on any perceived or possible non-compliance. While there is an informal agreement amongst NSG members to terminate trade if India conducted a nuclear test, however a review process was agreed to, that allowed for a consultation before an action is taken against India and the same would work on a consensus. In such an eventuality, any *one* country could block a decision on terminating nuclear trade with India.

In other words, if India were found to be non-compliant on the conditions of the waiver and/or the formal and informal assurances, the negotiations to block nuclear trade with India would perhaps be as complex and difficult as the kind that preceded India's waiver. India also succeeded in avoiding the use of any language that linked India's exemption with a universal NPT membership and the full scope safeguards accepted by all the NNWS in the NPT. India's success is evident as a non-NPT state 'to access global nuclear commerce, India was not obligated to adhere to commitments as envisaged for NNWS, including subscription to full-scope safeguards, while gaining many privileges that were earmarked only for the five recognized nuclear weapon states.' However, this does not 'infer that India has escaped the strains of denial regimes'[765] and denial of ENR technology indicates a limited access for India. The revised NSG guidelines also signify a 'normative impediment'[766] that limits India's access to transfer of technologies for uranium enrichment and spent fuel reprocessing. It also links sensitive transfers to NPT membership posing a challenge for India. It has also put India's 'verbal assurance from France for ENR transfer' in a difficult situation and Russia also did not 'seem favorably inclined to such a transfer'[767] after the revised guidelines. In this way, a rule-based, multi-lateral approach enabled a political reassurance about the possible consequences in the negotiation process.

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[762] Mistry, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, p.186.
[763] Ibid.
[764] Ibid.
[765] Kumar, Vinod, 'India's nuclear energy renaissance: stuck in the middle?' *Journal of Risk Research*,Vol. 17, No.1, 2014, p.51.
[766] Ibid., p.53.
[767] Parashar, Sachin. 'India Still Hopeful of ENR Transfer from US,' *Times of India,* July 16, 2011.

Extent of India's Participation and Club membership

On the very same day that India was granted the NSG waiver, one of the prominent Indian newspapers carried the headline 'India enters the N-Club.'[768] This second aspect is the extent to which India is allowed to *participate* in the NSG and is actually accepted as a club member. India's NSG waiver legitimizes India's civilian nuclear trade however, it does not automatically imply 'India's admittance to the elite nuclear exporter's club.'[769] India has not been granted NSG membership and India's waiver only partially addresses the demand or import side because as explained earlier, India has not been granted access to import sensitive technology. However, on the export or supply side, India is not fully recognized as a potential supplier and to this extent, India is not yet accepted as a member of the export club. There remain hurdles to India's full membership and 'India's possession of atomic arms outside the Nuclear Nonproliferation Treaty remains a key sticking point for some countries in the Nuclear Suppliers Group.'[770] Therefore, there are strategic implications of India possessing 'sensitive nuclear capabilities, nuclear weapons, and [being] outside the Nuclear Non-Proliferation Treaty but not in the group, [and also] technical issues about how NSG rules would apply to India since it has nuclear weapons.'[771]

The NSG is an informal agreement between participating states to *accept* a set of guidelines in nuclear-related dual-use exports, *implemented* through the national laws and domestic procedures of each participating state. It serves as a 'mechanism through which they can exchange information on issues and developments of concern for nuclear proliferation'[772] to arrive at a common interpretation of the rules. The NSG was formed in response to India's 1974 explosions to find ways to strengthen multilateral nuclear exports such that they do not contribute to nuclear proliferation. It provided a venue for the participation of states with advanced nuclear technology and fuel cycles that were *not* members of the NPT.

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[768] Guha, Seema, 'India enters the N-Club, with NSG Waiver,' *DNA*, 6th September, 2008. Available at http://www.dnaindia.com/india/report-india-enters-n-club-with-nsg-waiver-1188075

[769] Narayan Lakshman 'Nuclear fog hangs over Modi's U.S. visit,' *The Hindu*, July,24, 2014 Available at:http://www.thehindu.com/news/national/nuclear-fog-hangs-over-prime-minister-narendra-modis-us-visit/article6242472.ece

[770] 'India's Quest for Atomic Trade Group Membership Faces Hurdles: Expert,' Global Security Newswire, July 28, 2014.Available at: http://www.nti.org/gsn/article/indias-pursuit-nuclear-suppliers-group-membership-faces-many-hurdles-expert/

[771] Narayan Lakshman 'Nuclear fog hangs over Modi's U.S. visit,' *The Hindu*, July,24, 2014

[772] Anthony, Ian, Christer Ahlström and Vitaly Fedchenko, 'Reforming Nuclear Export Controls: The Future of the Nuclear Suppliers Group,' SIPRI Research Report No. 22, 2007-2008.

Overtime, this group came to be perceived as a 'supplier cartel '[773] whose membership was valued for it also served as a forum for a possible recognition for participating states devoid of the apparent distinction between the "haves" and "have-nots" in the NPT. Participation via the NSG proved to be an alternate non-NPT route for recognition and acceptance, one that the Indian government made use of, in its legitimation strategy despite a non-NPT status. India's NPT status remains a normative impediment and has often been cited as one of the reasons behind why India cannot be given a NSG membership. Yet it is not the only criterion to be considered for a NSG membership. In other words, states have become NSG members before they signed the NPT. For example, France signed the NPT only in 1992 but was participating in the NSG as a nuclear supplier since its inception in 1977, when the supply guidelines were adopted by seven countries in London — UK, USA, France, Russia (former SU), Germany, Japan and Canada—referred to as the "London Club." Brazil signed the NPT only in 1998 but was a NSG member in 1997. On the other hand, China also signed the NPT as late as1992 and became a participating member in the NSG as late as 2004. The employment of the NPT membership as an essential criterion for NSG and as a roadblock to India's full NSG membership is also evident of the extent to which India's participation is accepted and emanates from a recognition of India's present non-proliferation commitments.

On one hand, official positions of particularly the game-changers and the P3 express support for India's full membership to all groups within the boarder nuclear regime i.e. the Australia Group, Wassenar Agreement, MTCR and India's NSG membership. From a White Knight's perspective, 'these developments have brought about a highly problematic Indian strategy of selective integration within the different institutions and agreements of the international nuclear non-proliferation regime. That is, India is eager to join the export control groups, where it can expect important gains in economic terms, but it is much more wary about joining other agreements such as the CTBT that impose political conditions on member states.'[774] India is thus not a participant in the NSG for "making rules" that apply to it as a recipient country as is possible for these other state in the capacity of being NSG members.

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[773] Van, Ham, P., *Managing Non-Proliferation Regimes in the 1990s: Power, Politics and Policies* (Pinter Publishers: London, 1993, p. 16.

[774] Kienzle, Benjamin, 'Integrating without Breaking the Rules: The EU and India's Acceptance within the Non-Proliferation Regime,' p.7.

The process of revising NSG criterion ran parallel to the negotiations on India's waiver and is thus reflective of the extent to which India was allowed to participate. The 'give and take' between the NSG participating states shows how participating states negotiated and discussed revisions to address non-proliferation concerns in a manner that also secured their material and strategic interests. For example, Brazil and Argentina objected to linking Additional Protocol as a criterion for transferring sensitive technology, as both these countries do 'not have such a protocol in place.'[775] South Africa also 'objected due to concerns that requiring an Additional Protocol as a condition for transfer would be unfair to receiving states' and was viewed as 'discriminatory because it creates more intrusive requirements for non-nuclear weapon states, while nuclear weapon states do not properly fulfill their disarmament pledges.'[776]

Canada in particular along with the Netherlands objected to a 'black box' approach or any additional criteria that would 'impede recipients from replicating the technologies or building their own indigenous facilities'[777] thus objecting to anything that could 'inhibit the future development of its indigenous commercial activities.'[778] Similarly, there has been no direct link or reference of the CTBT in the criterions of the NSG participating states, as China and U.S. have not ratified the treaty. In the end, the interpretation of the NSG guidelines rests with the exporting state and the 'NSG guidelines establish minimum criteria for conditions of trade. If a country seeks to have even tighter regulations, it is within its rights to do so.'[779] At the 21st NSG plenary meeting in 2011 NSG states 'agreed to strengthen its guidelines on the transfer of sensitive enrichment and reprocessing technologies'[780] that made India unhappy, arguing that it 'has changed the logic completely; it essentially targets India as we are the only country outside the NPT eligible for nuclear transfers.'[781] This is another example of India not being a member of the suppliers club and hence not being in a position to influence and make rules, as is possible for the other participating countries in the NSG.

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[775] Anthony and Bauer, Controls on security-related international transfers', p.466.
[776] Viski, Andrea, 'The Revised Nuclear Suppliers Group Guidelines: A European Union Perspective,' *EU Non-Proliferation Consortium*, May 2012, p.8.
[777] Boese, Wade, 'Nuclear Export criteria lacks consensus,' *Arms Control Today*, Vol,38. No.5 (June 2008) https://www.armscontrol.org/act/2008_06/NuclearExport
[778] Anthony and Bauer, Controls on security-related international transfers', p.467.
[779] Viski, The Revised Nuclear Suppliers Group Guidelines: A European Union Perspective,' p.9.
[780] NSG Public Statement, Nuclear Suppliers Group Plenary, Noordwijk, the Netherlands, 23–24 June 2011, <http://www.nuclearsuppliersgroup.org/Leng/PRESS/Public%20statement%202011%20NSG%20v7.pdf>.
[781] Chari, P.R., 'Why Indians are not welcome members of the NSG Club,' *DNA,* 13th July, 2011. Available at: http://www.dnaindia.com/analysis/comment-why-indians-are-not-welcome-members-at-the-nsg-club-1565171

In this sense, India's success is perceived to be mixed and can be evaluated in the words of Ambassador K. C Singh:

> Nuclear legitimacy for India is an ongoing process. The opening of nuclear trade and removal of sanctions indicates a first level of nuclear legitimacy. The next step of alignment with the rules indicates a higher level for India's nuclear legitimacy. However, the next step for even a higher nuclear legitimacy would be a NSG membership, which India does not have. NSG membership means you are also a rule-setter and thus have a say in the rules that in turn will define legitimate behavior. That is where India would like to be. Until then, India has a quasi-nuclear legitimacy. [782]

Moreover, the disputed NPT membership is not as such a condition for NSG membership and while it is a subjective criterion, the NSG leaves it to the judgment of each participating country. And 'this makes it clear that each decision rests with the responsible authorities in the exporting state and that factors such as adherence to the NPT do not alone guarantee nuclear supply.'[783] At the same time, the NSG seeks to 'reassure the nuclear industry (including both suppliers and recipients of controlled items) that non-proliferation policies are not a barrier to legitimate international nuclear trade or undermines the rights of NNWS to peaceful trade enshrined in Article IV of the NPT.[784] The apparent question of why the NSG doors were opened for India also requires understanding the ways in which India was allowed to and has been able to pass through the NSG "security." Moreover, even prior to knocking on the door India was required to align its behavior with the rules that were desirable and appropriate and that established the necessary conditions. The Indian government thus made different kinds of attempts in its efforts to facilitate an interaction with the targeted audience and India's success in terms of access and participation in the NSG suggests a mixed report for India with some gains and some limited success on other desired fronts.

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[782] Author's interview with Ambassador K. C. Singh, Former Secretary MEA, India's Ambassador to the United Arab Emirates (1999-2003) and to Iran (2003-05), New Delhi, 23rd July 2012.

[783] Anthony,Ian Christer Ahlström, and Vitaly Fedchenk, 'Reforming Nuclear Export Controls: The Future of the Nuclear Suppliers Group,' SIPRI Research Report No.22 Oxford University press: Oxford, 2007, p. 19.

[784] Article IV of the NPT states that 'All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.'

Operation of Nuclear Facilities and Civil Nuclear Trade

India is seen as the 'only nuclear possessor state and non-NPT signatory permitted to engage in civil nuclear trade with other states.'[785] However, the extent to which bilateral nuclear trade agreements have been signed and *operationalized* with India serves as a benchmark to evaluate India's actual success in the realm of nuclear commerce. Amongst the selected states, India has signed agreements on cooperation in peaceful uses of nuclear energy with the United States, France, Russia and Canada after the passing of the waiver in 2008.[786] Atleast 'six such projects have been announced in the agreements that came in the first wave after the NSG waiver. They include: Jaitapur Nuclear Power Plant in Maharashtra (Areva-France); Mithi Virdi Nuclear Power Plant in Bhavnagar, Gujarat (Westinghouse-US); Kovvada Nuclear Power Plant, Andhra Pradesh (GE-Hitachi-US); Haripur Nuclear Power Plant, West Bengal (Rosatom-Russia).'[787] India's international nuclear agreements are of course at different stages and offer an insight into the different issues involved with some of them being the domestic legitimacy of India's civilian nuclear energy program, the issue of nuclear liability and finally, international concerns and benchmarks for nuclear safety and security of nuclear plants, especially the fear of nuclear accident at nuclear plants and any potential security breach or terrorist attacks and/or attempts to access nuclear plants in the host country.

France was one of 'the first countries to enter into a formal understanding with India after the Nuclear Suppliers Group exempted India from its guidelines' yet 'the agreement recognizes India's right to reprocess spent fuel' but it does not allow France to sell enrichment and reprocessing technology.'[788] Since the agreement was signed on 30th September 2008 the Indo-French Jaitapur nuclear plant facility in Maharashtra has been under stalemate facing issues both domestically in India and internationally. Long drawn-out domestic protests by the local villagers in India stalled the operation of the nuclear plant. There is also an associated issue of nuclear liability raised by France and other nuclear suppliers, where India is not seen in alignment with the international rules. Finally, components of the proposed French Pressurized Heavy Water Reactors for a nuclear plant came from Japan and for France to continue with supplying the same to India, an

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[785] Sullivan, 'Is India a Responsible Nuclear Power,' *RSIS Policy Report*, March, 2014, p.1

[786] See Department of Atomic Energy, Government of India at http://dae.nic.in/?q=node/75

[787] Kumar, India's nuclear energy renaissance: stuck in the middle?' , p.50.

[788] Samanta, Dhal, Pranab, India, 'France ink nuclear deal, first after NSG waiver: Paris,' *The Indian Express*, September 30, Wed Oct 01 2008 http://archive.indianexpress.com/news/india-france-ink-nuclear-deal-first-after-nsg-waiver/368048/

agreement between Japan and India for nuclear cooperation is required. However, there is no agreement between Indian and Japan and although India has pursued it with Japan, Japan has expressed reservations around India's non-NPT membership, future testing and commitment towards CTBT. Japan would prefer for India to address these issues before agreeing to sign a civilian nuclear agreement. The Fukushima nuclear accident has only increased the moral burden for the Japanese government in the context of civilian nuclear energy and increased domestic dissent that are added impediments to any decision on a civil nuclear agreement with India. Despite Japan's passive support 'the issue of the supply of nuclear generation technology by Japan to India' has remained an issue in their bilateral security relations since the NSG waiver in 2008. The Japanese cooperation hinders India's nuclear industry, and 'while Japan has shown some flexibility in recognizing India's anomalous nuclear status, India's refusal to formally accede to nonproliferation norms represents a major political obstacle to allowing the supply of Japanese nuclear technology.'[789] India can seek nuclear technology from elsewhere, for example Russia and France, yet a nuclear agreement with Japan is needed as Japanese companies provide key components for nuclear reactors supplied by supplier countries such as the U.S and France. The French Nuclear Counselor elaborated on this issue:

> In terms of the industrial cooperation between France and India we have the Jaitapur project which is correctly being discussed between NPCIL and Areva that is the French supplier of nuclear technology for the construction of 6 EPR reactors in Maharashtra on the Jaitapur site. Some parts of the vessels of these reactors is to be supplied by MHI (Mitsubishi heavy industries) in Japan. Unfortunately for these components to be supplied by the Japanese company to India via France, we need an inter-governmental agreement between India and Japan, which unfortunately has not yet been concluded. And the discussions are ongoing. And until these discussions are conclusive and this bilateral agreement between them at a political level is concluded, these components cannot be supplied. It is an obstacle, we do not deny that so we are trying to hope of course, that the intergovernmental agreements gets negotiated, agreed upon and signed as soon as possible.[790]

In this context, 'not only is Japan a potential direct supplier of reactors to India, Japanese companies Mitsubishi and Toshiba are major shareholders in GEC and

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[789] Brewster, David, 'India-Japan Security Relationship: An Enduring Security Relationship,' *Asian Security*, 6, (2), 2010, p.111.

[790] Authors interview with Mr. Sunil Felix, Nuclear Counselor, Embassy of France, New Delhi, 26th November 2012.

Westinghouse, the two U.S. companies India hopes to do nuclear commerce with. Even the French company Areva that is building the Jaitapur plant, manufactures important components in Japan.'[791] One such direct impact of lack of Japanese supply has been the increase in the project cost at Jaitapur Nuclear Plant in India, which in turn has increased the cost of electricity production and this has become a bone of contention between the Department of Atomic Energy (DAE) and French company Areva over the Jaitapur Nuclear Power Plant (JNPP).[792] However, India's non-NPT status and non-ratification of the CTBT remain an issue 'as the Japanese waiver was given on the condition that India observes all its commitments, including its pledge not to conduct further nuclear tests. From a Japanese perspective, if India ever tests again then in the context of the NSG waiver 'the logical outcome is to terminate trade.'[793] The Indo-Japan negotiations have only further slowed down in the aftermath of the Fukushima nuclear plant accident in Japan 2011.[794]

On the other hand, Germany widely operated nuclear civilian plants and until '2011 obtained one quarter of its electricity from nuclear energy.'[795] However, German government's ongoing debate on nuclear energy gained momentum in 2009 and with the Fukushima nuclear disaster, the government of Germany accelerated the process of phasing out nuclear energy, 'deciding to shut down all nuclear plants by 2022.'[796] In this context, the German Counselor reaffirmed how 'German government's decision was triggered by the huge public sentiment in Germany against Fukushima and that changed the equation because the argument was even for a high-tech country like Japan there are safety risks. The downside is that electricity will become more expensive but the German population is willing to pay more as the sentiment against nuclear energy has become so strong.'[797] Germany's decision post-Fukushima further implies that any nuclear energy agreement with India is difficult and costly.

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[791] Haider, Suhasini, 'India looks for a positive after Japanese reversal,' *The Hindu*, September 17, 2014. Available at http://www.thehindu.com/news/national/india-looks-for-a-positive-after-japanese-reversal/article6416750.ece

[792] 'Japan nuclear deal delay may hit progress of India's atomic plants,' *PTI,* 16 February 2014, New Delhi. Available at: http://www.dnaindia.com/india/report-japan-nuclear-deal-delay-may-hit-progress-of-india-s-atomic-plants-1962652

[793] 'Worrisome NSG agreement,' *The Japan Times*, September 14, 2008.

[794] 'Nagasaki declaration to take swipe at nuclear pact with India,' *The Asahi Shimbun*, June, 09, 2013. http://ajw.asahi.com/article/behind_news/politics/AJ201306090043

[795] Report on World Uranium Mining Production, World Nuclear Association, Available at www.world-nuclear.org/info/Nuclear-Fuel-Cycle/Mining-of-Uranium/World-Uranium-Mining-Production/

[796] 'Germany: Nuclear Power Plants to close by 2022,' BBC, 30 May 2011. Available at http://www.bbc.co.uk/news/world-europe-13592208

[797] Authors interview with Dr. Lukas Wasielewski Counsellor (Political) Embassy of the Federal Republic of Germany, November 26th, 2012.

However, Germany has maintained its passive support for India's nuclear energy program reiterating that 'the post fukushima is a national decision and we do respect if other countries take different decisions.'[798] Similarly after signing an agreement with Canada in 2010, the implementation of the deal has been in a limbo 'over Canada's demands to be able to verify how that uranium is used.'[799] Canada's High Commissioner in India, Stewart Beck clarified 'we are concerned about where Canadian nuclear material goes' as 'you don't want your material diverted. That's fundamentally why we're trying to come up with a reporting approach that will assure us.'[800] This impasse was resolved with a joint committee to share information between the two countries and ensure that 'appropriate oversight is exercised with respect to information required by Canada.'[801] In 2013 the aforesaid agreement moved to the next step and it was agreed that India would receive Canadian uranium, 'produced in Saskatchewan, the world's second-leading producer of uranium behind Kazakhstan.'[802]

The other general issue is that of nuclear liability, which is an example of India's struggle to balance between domestic political dissent and a desire to be recognized and accepted into the international nuclear regime as an advanced nuclear power, a potential nuclear supplier that is capable of playing by the rules. The contentious issue of "nuclear liability" pertains to who is liable or bears 'responsibility' in case of a nuclear accident at an operated nuclear power plant. So, whether it will be the international *supplier* of the nuclear reactors and its various components OR will it be the *operator* of these reactors, which in India's case will be the Indian Government that operates its nuclear power plants through the Nuclear Power Corporation of India Limited (NPCIL). The international norm on the issue of nuclear liability places any such liability on the operator (of such nuclear plants) embodied in the *Vienna Convention on Civil Liability for Nuclear Damage* in Article 4 and its subsequent amendments in the Convention of Supplementary Compensation for Nuclear Damage adopted in 1997 under Article 3; both reiterate *'liability of the operator for nuclear damage is absolute.'*

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[798] Ibid.
[799] Bruce Campion-Smith, 'Prime Minister Stephen Harper kicks off six-day visit to India' *The Star,* Ottawa Bureau Chief, Nov 04, 2012.
[800] Ibid.
[801] Kennedy, Mark, 'Canada and India end impasse on 'mutually beneficial' nuclear deal' *Post Media News,* November 6, 2012. Available at: http://news.nationalpost.com/2012/11/06/canada-and-india-finally-seal-a-nuclear-deal-harper-to-announce-in-new-delhi/.
[802] 'Canada and India take next step in nuclear deal that would see uranium shipped,' *The Canadian Press,* Apr. 08, 2013. Available at http://www.theglobeandmail.com/news/politics/canada-and-india-take-next-step-in-nuclear-deal-that-would-see-uranium-shipped/article10853638/.

The dilemma is that India's domestic law passed in 2010[803] stands quite in contrast to the international norm on liability as the former makes the *suppliers* responsible in event of a nuclear accident. However, the India-specific NSG-waiver required the Indian government to align its domestic policy with the international norms and obligations outlined in international conventions (See Table 2. below).

TABLE 2. List of International Agreements on Nuclear Liability

International Agreements	Rights of Recourse & Nuclear Liability in accident
Paris Convention, 1961	Only, (a) against someone for an act of commission or omission with intent to cause damage, and (b) If there is a clear contract giving such a right.
Vienna Convention, 1963	Only, (a) if it is fully expressed in writing, and (b) If the damage results from an act or omission done with intent to cause damage, against the person who caused the damage.
Convention on Supplementary Compensation, 1997	Only, (a) if it is fully expressed in writing, And (b) If the damage results from an act or omission done with intent to cause damage, against the person who caused the damage.

Subsequent to civilian nuclear agreement with the United States, France and Russia, a requirement for India was a commitment to sync its domestic law with the international norm on this issue and India did sign the Convention on Supplementary Compensation in 2010. However, India's nuclear liability act passed in 2010 that has been objected to especially, sections 17(b) and 46 of the Act that allow legal action against nuclear suppliers if accident is caused by faulty or defective equipment, which stands in contrast to the international norm on this issue.[804] Nuclear liability thus continues to remain a sticking point in India's nuclear trade agreements even with the three avid supporters.

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[803] India's domestic law was passed after the Bhopal Gas Incident at the Union Carbide India Ltd, fatory in Bhopal, an Indian subsidiary of Union Carbide Corporation, an American company.

[804] This issue came to the forefront with the $15 million proposal between Westinghouse, a commercial U.S. nuclear-supplier and NPCIL in 2013, when for the first time India had a committed order by a U.S firm since the civil nuclear pact between India and the United States in 2006. However, the agreement is a preliminary deal that does not involve putting in place any nuclear equipment and hence the question of liability will need to be addressed only at a later point. There were reports that the government sought clearance from the Atomic Energy Commission and the Cabinet Committee on Security, especially section 17 (b) seeking to dilute the domestic law to accommodate the apprehensions of the U.S and its private companies. Most recently, the government has proposed setting up of insurance pool with a liability cap of 15 billion Indian rupees ($240.91 million) to indemnify international & domestic nuclear suppliers in case of accident. See Sanjeev Miglani, 'India's Modi goes shopping for nuclear power in France and Canada,' Reuters, April8 2015.

The third aspect in this context of evaluation is the perceived *nuclear security* at nuclear plants and the *nuclear safety* of India's operated nuclear plants and the two are not synonymous. Nuclear safety 'is the prevention and protection against "accidents" and the 'potentially harmful effects of radiation (e.g., radiation leaks, nuclear power plant damage resulting in radioactive release, and exposure of workers to high levels of radiation).'[805] Nuclear security on the other hand refers to 'the set of measures that are in place to prevent the theft, diversion, or sabotage of nuclear material (plutonium, highly enriched uranium, etc.) or a nuclear facility by an insider or an outsider. Nuclear security is different than safety in that security is designed to counter a deliberate actor or actors.'[806] Nuclear security is thus the 'prevention and detection of, and response to unauthorised removal, sabotage, unauthorised access, illegal transfer or other malicious acts involving nuclear or radiological material or their associated facilities.'[807]

In terms of nuclear security and efforts to counter nuclear terrorism, the Indian government has aligned with the international expectations on this issue evident from India's participation and support to the UN Security Council Resolution 1540 adopted in 2004 that 'requires all States to adopt and enforce appropriate laws to this effect as well as other effective measures to prevent the proliferation of these weapons and their means of delivery to non-State actors, in particular for terrorist purposes.'[808] Here, the Indian government also hosted 1540 workshop to demonstrate a commitment 'to strengthen its implementation.'[809] India is also party to the 'main international legal instruments on nuclear security - the Convention on Physical Protection of 1980 and its 2005 amendment, as well as the International Convention for the Suppression of Acts of Nuclear Terrorism' of 2005. Such instruments aim to balance rights and legitimate interests of states in 'the potential benefits of peaceful application of nuclear energy' with enhanced 'international cooperation between States in devising and adopting effective and practical measures for the prevention of such acts of terrorism.'[810]

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[805] 'Nuclear Threat Index: India Fact Sheet,' January 7, 2014 by Nuclear Threat Initiative. Available at: http://ntiindex.org/news-items/nti-index-india-fact-sheet/

[806] Nuclear security events are "incidents" and nuclear safety events are referred to as "accidents."

[807] Report on *Nuclear Security in India*, Ministry of External Affairs, March,18,2014. Available at http://mea.gov.in/in-focus-article.htm?23091/Nuclear+Security+in+India

[808] See UNODA website. Available at: http://www.un.org/disarmament/WMD/1540/

[809] Indian Prime Minister Manmohan Singh's statement at the Plenary of the Nuclear Security Summit. Available at https://www.indianembassy.org/archives_details.php?nid=1747

[810] International Convention for the Suppression of Acts of Nuclear Terrorism, United Nations, 2005. Full text available at: http://www.un.org/en/sc/ctc/docs/conventions/Conv13.pdf

India's success is evident in that following the NSG waiver and in backdrop of India's aforesaid commitments and support India was invited to participate in the Nuclear Security Summits where the first summit was held in 2012. Here, for the first time, India also contributed 1 million US dollars to the IAEA's Nuclear Security Fund. However, an assessment of how India's efforts were perceived in this context shows that while India as an actor is not viewed as a threat or rogue, yet there have been concerns around the actual security of India's nuclear materials. For example, the Nuclear Threat Index of 2012 and 2014 ranks India as low as 24 and 23, respectively out of 25 countries with weapons-usable nuclear materials. Even the slight improvement by one point was explained due to the aforesaid contribution by India to the IAEA Nuclear Security Fund. There have also been press reports of possible intrusions as many as 25 times at the Bhabha Atomic Research Centre (BARC), India's premier nuclear facility in Mumbai based on fake IDs.[811] However, the Indian government explained that these were not major incidents within the so-called 'security parameters,' hence, cannot be described as a "breach" of security.[812]

However, India's claim of 'impeccable record' seems to suggest that India's law enforcement is perhaps weak and not as efficient and transparent as it should be. A point elaborated by the Nuclear Threat Initiative that explains this as India's 'weak regulations that are written as guidance rather than as requirements; increasing quantities of weapons-usable nuclear materials for both civilian and military use; gaps in its regulatory structure such as a lack of an independent regulatory agency' and 'high levels of corruption among public officials'[813] that makes India more susceptible to security risk and/or the possible theft of nuclear material. In this light, while the Indian governments has succeeded in terms of international political assurance and displaying a commitment, however, India's self- assessment of its nuclear security is arbitrary and self-bestowed, and is not done by an independent agency or an independent 'peer review' that would involve 'an evaluation of security processes or practices that uses independent, qualified reviewers from international organizations and other states to make an impartial assessment and to provide recommendations for improvement.'[814]

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[811] BARC security intrusions in the recent past, *Internal Security*, November 16-30, 2012. http://www.spsmai.com/internal-security/?id=1814&q=BARC-security-intrusions-in-the-recent-past
[812] Press Release by the Government of India, 2012, http://www.barc.gov.in/press/2012/security.pdf
[813] NTI Index: India Fact Sheet, January,7, 2014. Available at: http://ntiindex.org/news-items/nti-index-india-fact-sheet/
[814] Ibid.

In terms of the other issue of nuclear safety of the operated installations and plants, there has been continued domestic dissent by villagers at some crucial sites supported by civil society activists and NGO's who have raised questions about the neutrality of the government's reports on the environmental impact of the nuclear plants. Particularly the protests at the Jaitapur Nuclear Plant which is outcome of an agreement with France and the Koodankulum nuclear plant that has been constructed in collaboration with Russia. Here, the protests have been led by the People's Movements Against Nuclear Energy that has questioned the safety precautions and measures for the local people who live near the plants in case of a nuclear disaster. Overall, these groups demand stringent norms and independent assessments of the nuclear safety of these nuclear plants. The Indian government initially dismissed the protests at the highest level going to the extent of terming it as the Indian Prime Minister claimed a 'foreign hand' further arguing that 'the thinking segment of our population is certainly supportive of nuclear energy.'[815]

The point being that the Indian government has struggled far more with the domestic legitimacy of its energy program and the associated claims of nuclear safety. Although India's domestic protests have not directly affected its international nuclear legitimacy or overturned nuclear trade agreements, it has evidently slowed down progress and stalled the ongoing activities at these nuclear sites. Another reason, perhaps, why this had less impact on an assessment of India's international perceptions unlike the preceding issue of nuclear security is due to the prevalence of norms against proliferation and strict export controls in the international realm. Moreover, within the Indian public at large, one observes that the issue of "nuclear accident" is perceived more alarming than the issue of a possible "nuclear incident" and India's energy policy has been much more publicly debated than India's weapons policy. The latter continues to remain an elite affair out of the domain of public discussion. Dissemination of knowledge on the use and impact of nuclear energy when compared to nuclear weapons is also relatively high with a more active civil society component in the discourse on nuclear energy. To sum up, as Sullivan succinctly argues, 'India's standards of nuclear security and safety are the weakest element of its responsible nuclear credentials' in as much as a 'serious transparency and accountability deficit characterizes both India's civil and military nuclear facilities.'[816]

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[815] Sharma, Dinesh, 'Foreign Hand Nuking nuclear power project,' *Mail Today*, 24, Feb, 2012.
[816] Sullivan, Kate,H.,'How the World warmed to a Nuclear India', *Inside Story*, 3rd May (2012a), p. 4-5.

Benchmark II: De-Facto Recognition for Possession of Nuclear Weapons

On one hand, India's non-NPT membership constrains a de-jure recognition for India's nuclear weapons status. On the other hand, states in the targeted audience while recognizing India's nuclear reality remain wary of conferring it, a Nuclear Weapons State (NWS), a term that denotes the legal distinction enshrined in the NPT. However, other states acknowledge India as a State with Nuclear Weapons (SNW) or a state that possesses nuclear weapons that indicates a higher acceptance for the reality of India's possession of nuclear weapons after its tests of 1998. India's success as a nuclear possessor is indicated by an apparent and increased acceptance for India's possession of nuclear weapons outside the NPT in the aftermath of the 1998 tests. The nuclear tests of 1998 squared the circle for India with 'a de-facto recognition for India's possession of nuclear weapons' and as Dr. Joshi elaborated 'the existential reality of India's nuclear weapons capability altered India's qualitative capacity something that was not done in 1974.'[817] In 1974, even though India claimed its tests were a peaceful nuclear explosion Professor Rajaraman explained how 'in the eyes of the international community, it failed to be recognized as peaceful. Instead, it was seen by the international community as an uncalled assertion of a certain technological capability.'[818] From an Indian perspective the PNE might have been 'within the rules of the game as a country pursuing a program for peaceful purposes was considered legitimate,' yet the difference was that 'the world did not actually see it that way and to the contrary argued that India's claimed peaceful nuclear explosion (PNE) was unacceptable.'[819] Although, as Dr. Sethi argued 'India believed it was engaging in a legitimate activity,'[820] Comm. Bhaskar asserted how other states in the international audience 'did not accept India's peaceful claims in 1974.'[821]

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[817] Authors Interview with Dr. Manoj Joshi, Senior Editor and Journalist, New Delhi 8th August'2012

[818] Author's interview Prof. R. Rajaraman, Senior Professor, Nuclear Physicist and Co-Chairman, International Panel on Fissile Materials JNU, New Delhi, 10th October 2012.

[819] Author's Interview with Dr. Anil Kakodkar, Currently Chairman of the Atomic Energy Commission (AEC) as well as the Secretary to the Government of India, Department of Atomic Energy (DAE). Former chairman of the AEC and as former Director of the BARC was also involved in the 1998 nuclear tests. New Delhi, 10th November 2012

[820] Authors Interview with Dr. Manpreet Sethi, Senior Fellow, Head of the Nuclear Security project at Centre for Air Power Studies, New Delhi, 19th December 2012.

[821] Author's interview with Commodore Uday Bhaskar, Director of National Maritime Foundation, senior columnist and Editor; officiating director of the Institute for Defense Studies and Analyses, New Delhi, 28th December 2012.

India's former First Secretary (Political) and Head of Chancery in the Embassy in Moscow between 1974-1977 explained this difference in recognition:

> The 1974 tests were claimed to be a PNE by the Indian government but the international community perceived it as a weapons tests. Ironically, in the disarmament sessions after 1974 everyone referred to us as a NWS and I justified that it was only a peaceful demonstration. In our view, 1974 was a reluctant experiment that we could do without ruffling too many feathers. Terming it a PNE would make it acceptable but it was *not* acceptable. In 1974, I was a part of this rapprochement to other states but even Moscow despite our ally was critical. We called it a PNE to assuage international opinion but the international community was not convinced. Former Indian Prime-Minister I. K. Gujral at the time serving as Indian ambassador to Soviet Union in his autobiography writes about Mrs. Indira Gandhi's handwritten letters mentioning how India's close ally and friend Russia had also not been very accommodating on the nuclear issue.[822]

The test of a nuclear device is only the first step in the process of de-facto recognition. The next steps of integration with delivery systems and operationalization are equally important without which a nuclear possessor state will not 'pose a credible military threat to its neighbors. Likewise, a nuclear possessor state that lacks operational means opens a diplomatic window to the international community to cap its capabilities.'[823] The ways and extent to which India's right to *possess* nuclear weapons outside the NPT is recognized is evaluated along the factual benchmarks: (a) the extent of separation of civil and military sites; (b) the extent of actual weaponization; and (c) the extent to which nuclear weapons are operationalized and recognized. The aforesaid are realistic benchmarks for evaluating a de-facto recognition for possession of nuclear weapons in the context of the process of weaponziation that is understood as the 'process of integrating the weapon with delivery systems' and is distinct from its operationalization that refers to 'the development of soft institutional and organizational routines' and 'command and control mechanisms' and for example 'coordination procedures between scientific and military agencies.' Thus, 'if the weapon systems constitute the hardware, operational routines make up the software that enables use of weapons during war.'[824]

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[822] Author's Interview with Ambassador T.P. Sreenivasan, Former Ambassador and Member of NSAB; former Permanent Representative of India to the United Nations, Vienna and Governor for India of the International Atomic Energy Agency, New Delhi, 20th December 2012.

[823] Kampani, Gaurav, 'New Delhi's Long Nuclear Journey: How Secrecy and Institutional Roadblocks Delayed India's Weaponization, *International Security*, Vol.38, No.4 (Spring 2014), pp.:82

[824] Ibid.,p.81.

Extent of separation of civil and military sites

India's IAEA agreement was a step required to 'set the stage for India's re-entry into the world of nuclear commerce after nearly two decades of isolation.'[825] At the crux of the agreement was a separation plan between India's civilian and military facilities that required India to place only the former sites under international scrutiny and safeguards. This, the Indian government argued amounted to a de-facto recognition for India's possession of nuclear weapons. However, the manner in which India's separation plan (act of differentiating between civil and military facilities) was accepted and recognized by other states also varied in extent and nature. The P3 as endorsers were avid supporters of India-specific IAEA safeguards. The game-changers and the White Knights perceived the NSG as the appropriate negotiating forum for extracting stronger non-proliferation commitments from India.

From this perspective, a de-facto recognition for India's military facilities was an unintended consequence of the IAEA separation plan. Moreover, India wanted its military facilities to be formally recognized in a safeguard pact yet a reference to India as an advanced nuclear state and to a 'separation plan' was made only in the preamble of the IAEA pact that was accepted by the opposition because preambular language was not considered 'legally binding on its [IAEA] verification activities.'[826] While India desired a 'clean and unconditional waiver, the IAEA members insisted on the standard INFCIRC-66 template as condition for nuclear supply to India.'[827] Such attempts to tie India's pact with 'conditions' enabled an interaction where India and the IAEA went through at least five rounds of negotiations between 2007 and 2008 before a pact was formally signed. The IAEA wanted safeguards in perpetuity and a clause to terminate supply in case of non-compliance. India wanted 'corrective measures' to ensure uninterrupted supply and an 'assurance for fuel supply.'[828] Again, the IAEA's concerns were addressed in the main text. However, India's conditions were mentioned in the preamble further clarifying that such an assurance would be 'between the seller and the buyer of fuel rather than through the IAEA.'[829]

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[825]Varadarajan, Siddharth, 'India and the Additional Protocol' *The Hindu*, 2009. http://www.thehindu.com/todays-paper/tp-opinion/india-and-the-additional protocol/article325793.ece

[826] Mistry, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, p.178.

[827] Ibid., p.177.

[828] Ibid.

[829] Ibid., p.179.

Although India desired and 'sought a linkage between' the language in 'the preamble with the operational text,' the Indian government did not succeed in acquiring a recognition backed by any formal language. Similarly, India's separation plan was not linked to a 'nuclear status' rather it acknowledged 'the links between India's nuclear energy plans, its economic development, and global environmental concerns.'[830] Much like the NSG, the IAEA Board of Governors works on consensus and 'over half of the 35 board members supported and accepted the safeguards pact negotiated by the IAEA.'[831] Yet, one-fourth of those countries expressed reservations in a jointly sponsored statement including Germany, Japan and the white knights with Austria at the forefront. However, they did not block IAEA consensus as 'they did not have a majority to prevail if they forced a vote,' sustained by a belief that 'they had another, better, opportunity to address non-proliferation concerns by raising these at the NSG.'[832] For example, the Austrian Foreign Ministry explained that 'the present decision of the Board of Governors only refers to the question of the Safeguards Agreement between India and the IAEA' that 'is not in any way a prejudice for the decision–to be taken subsequently by the Nuclear Suppliers Group (NSG).'[833]

Another factor that influenced IAEA consensus was the role of then IAEA Chief Mohamed El Baradei who 'strongly endorsed a safeguards agreement with India' for 'its positive implications'[834] arguing that 'the agreement is good for India' and the 'collective effort to move towards a world free from nuclear weapons. The option 'of not making full use of nuclear energy is to continue to rely even more heavily on coal and gas and oil, with the impact of course on climate change.'[835] However, the extent to which these arguments were endorsed by states differed as some 'like-minded states' expressed a departure, where for instance Austria made 'its clear position in the Board of Governors that nuclear energy does not represent an efficient, clean, and sustainable form of energy.'[836] Thus, also indicative of the extent to which some of the reluctant states were willing to actually support or accept India's 'energy security' argument.

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[830] Mistry. *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, p.180.
[831] Ibid.
[832] Ibid.
[833] Press Statement by Austrian Foreign Ministry on Safeguards Agreement with India, 1st August 2008.
[834] Ibid.
[835] Statement by the IAEA Chief Mohamed ElBaradei, IAEA Press Conference, 1st August, 2008.https://www.iaea.org/newscenter/news/iaea-chief-addresses-india-safeguards-agreement
[836] Press Statement by the Austrian Foreign Ministry on the Decision of the IAEA Board of Governors regarding the Safeguards Agreement with India on 1st August 2008.

The India-specific separation plan emanated from the Indo-US nuclear deal of 2005 where the United States required India to separate and declare its civilian nuclear sites and place them under safeguards before taking the agreement to US Congress. Initially, the United States outlined what it saw as a 'credible separation plan' that more or less placed all of India's 22 nuclear reactors under safeguards, which was not acceptable to the Indian government. On this front, the Indian government was successful in making a strategic separation between its existing nuclear sites and retaining the right to decide which sites were civilian and military, agreeing to place only the former under a voluntary safeguards agreement with the IAEA referred to as 'India-specific safeguards.'[837] This contributed to India's de-facto recognition because within the NPT, all non-nuclear weapons states are required to accept full-scope safeguards with the IAEA except the five recognized nuclear –weapons states that instead 'cover only selected nuclear facilities as volunteered'[838] by them. Similarly, in India's case, the agreement with the IAEA for safeguards does not apply to all of the nuclear material in India's possession contributing to an implicit recognition for India's military program.

Amongst the various nuclear facilities in India, a total of 20 facilities are nuclear power reactors (currently under operation) set up for the purpose of generating electricity; 2 are constructed (the Kundakulam plants but their operation has been delayed); and 4 more plants are under construction expected to start operations in 2015-16. According to an agreement between the Government of India (GOI) and the IAEA, 10 of these 22 units have been *selected* (by the GOI) *and placed* under IAEA safeguards. The agreement included 6 other facilities, which are primarily Fuel Fabrication Plants based out of the Nuclear Fuel Complex in Hyderabad basically provide the products and raw materials needed for the various power reactors used for producing nuclear energy. Thus, a total of 16 of all of India's existing nuclear facilities have been *voluntarily* placed by the GOI, under the IAEA safeguards, which leaves enough facilities outside of the safeguards framework. All the reactors placed under safeguards are power reactors and the Indian government despite insistence managed to keep the breeder reactors outside safeguards although after rounds of negotiations, 'New Delhi agreed to safeguards its future civilian breeder reactors, though the decision to categorize these as civilian remained India's alone.'[839]

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[837] Mistry, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, p.67.
[838] U.S. Congress, *Nuclear Safeguards and the International Atomic Energy Agency*, Report by Office of Technology Assessment, OTA-ISS-615 (Washington, DC: U.S. Government Printing Office,) June 1995.
[839] Mistry, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, p.71.

TABLE 3. LIST OF INDIAN CIVIL NUCLEAR FACILTIES SUBJECT TO IAEA SAFEGUARDS UNDER 2010 AGREEMENT BETWEEN IAEA AND GOI		
	FACILITY OFFERED FOR SAFEGUARDS BY INDIA	**DATE OF RECEIPT OF NOTIFICATION**
1.	TAPS 1 – Tarapur Atomic Power Station, Unit 1	16 October 2009
2.	TAPS 2 – Tarapur Atomic Power Station, Unit 2	16 October 2009
3.	RAPS 1 – Rajasthan Atomic Power Station, Unit 1	16 October 2009
4.	RAPS 2 – Rajasthan Atomic Power Station, Unit 2	16 October 2009
5.	KK 1 – Kundankulam Nuclear Power Plant, Unit 1	16 October 2009
6.	KK 2 – Kundankulam Nuclear Power Plant, Unit 2	16 October 2009
7.	RAPS 5 – Rajasthan Atomic Power Station, Unit 5	16 October 2009
8.	RAPS 6 – Rajasthan Atomic Power Station, Unit 6	16 October 2009
9.	RAPS 3 – Rajasthan Atomic Power Station, Unit 3	9 March 2010
10	RAPS 4 – Rajasthan Atomic Power Station, Unit 4	9 March 2010
	Nuclear Fuel Complex under Safeguards	**Date of Notification**
11	Uranium Oxide Plant (Block A), Nuclear Fuel Complex, Hyderabad	16 October 2009
12	Ceramic Fuel Fabrication Plant (Pelletizing)(Block A), Nuclear Fuel Complex, Hyderabad	16 October 2009
13	Ceramic Fuel Fabrication Plant (Assembly)(Block A), Nuclear Fuel Complex, Hyderabad	16 October 2009
14	Enriched Uranium Oxide Plant, Nuclear Fuel Complex, Hyderabad	16 October 2009
15	Enriched Fuel Fabrication Plant, Nuclear Fuel Complex, Hyderabad	16 October 2009
16	Gadolinia Facility, Nuclear Fuel Complex, Hyderabad	16 October 2009

Source: http://www.iaea.org/Publications/Documents/Infcircs/2010/infcirc754a2.pdf
Note: International Atomic Energy Agency (IAEA); Government of India (GOI).

Extent of Actual Weaponization

A de-facto recognition for a nuclear possessor is evaluated in terms of the extent of its actual weaponization that is the 'process of building compact reliable rugged weapons and mating them with delivery vehicles.'[840] Delivery vehicles can be air-based, land-based or sea-based and states that are capable of all three are said to be in possession of a nuclear triad. India's 1998 tests of a nuclear device refers to the 'apparatus that presents proof of scientific principle that a nuclear explosion will occur.'[841] The weapon on the other hand is a 'miniaturized version of the device' and 'usually incorporates arming and safing mechanisms to prevent unauthorized or inadvertent use.'[842] However, the extent to which a possessor of nuclear capability has actually weaponized depends on the extent to which it successfully integrates its tested nuclear device with the delivery vehicles (air, land or sea). The integrated weapon is referred to as a nuclear warhead that enables a nuclear possessor state to launch, deter or retaliate in case of a possible nuclear attack from adversary.

Some of the more recent scholarly works explain the overestimation of technical capabilities and the lack of the right culture and managerial structures and institutions that make, for example, North Korea and Iran more like 'struggling proliferators'[843] in explaining why the nuclear efforts of these states has thus far, not succeeded. On this front, India has achieved much success and this has indeed contributed to a credible recognition for India as a de-facto possessor of nuclear weapons capability, especially when compared to North Korea and Iran that have failed to garner this recognition in as much as 'the quality and reliability of its deliverable weapons remains uncertain.'[844] Ironically so, they are perhaps seen as more of a threat to international security as 'rogues' in substantive terms and for normative reasons discussed in earlier chapters; whereas India is not perceived the same and is viewed in more benign terms. Nevertheless, India especially, in the aftermath of its nuclear tests in 1998 has increasingly acquired a higher de-facto recognition for its possession of nuclear weapons capability even as it continues to remain a state that is outside the NPT. A brief overview of the ways and extent of recognition for India's actual weaponization provides a benchmark for evaluating the extent to which India's succeeded on the front of de- facto recognition.

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[840] Kampani, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, p.79.
[841] Ibid., p.80.
[842] Ibid.
[843] Hymans, J., 'North Korea's Lessons for Not Building an Atomic Bomb,' *Foreign Affairs*, April 16, 2012.
[844] Kampani, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, p.79.

The UNSC resolution 1172 imposed sanctions against India after its 1998 nuclear tests and called upon India 'to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons.'[845] Despite this, India managed to weaponize and develop delivery vehicles that include land and air-based ballistic missiles. However, India's 'ability to deliver nuclear warheads from aircraft had existed even prior to the nuclear tests in 1998, and since then land-based missiles of varying ranges have also been operationalised' yet 'it was the sea-based leg of nuclear triad that had been pending'[846] and with a nuclear powered ballistic missile submarine on the path of deployment 'India's drive to develop a nuclear triad reached an important milestone.'[847]

In this context, India's claims to scientific credibility and technical competency were successful strategies as India is recognized for its nuclear capabilities as a de-facto nuclear possessor. This has also brought recognition for India's indigenous program where despite thirty years of embargoes and non-participation in the nuclear regime, India is seen to have developed sufficient capabilities and advanced fuel cycles. India is believed to possess approximately 540 kilograms of weapons-grade plutonium sufficient for 135-180 nuclear warheads.[848] Further, India's breeder reactors remain outside safeguards maintaining its plutonium production capacity. The international agreements post-NSG waiver allows India to import uranium that will also make India's indigenous uranium reserves freely available for its ongoing military program. And different works estimate that India has the capability to build 110-120 nuclear warheads.[849] As land, air and sea-based delivery vehicles are perceived as essential components of India's credible deterrent, India is seen to have managed to develop and weaponize to an extent that is recognized as sufficient to 'inject a seed of doubt and uncertainty in the mind of the adversary, thereby 'complicating calculations and constraining actions.'[850]

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[845] Press Release, SECURITY COUNCIL CONDEMNS NUCLEAR TESTS BY INDIA AND PAKISTAN, June 6, 1998Available at http://www.un.org/press/en/1998/sc6528.doc.htm

[846] Sethi, Manpreet, 'INS Arihant and Credibe Nuclear Deterrence,' *National Defense and Aerospace Power*, Published by Centre for Air Power Studies, August, 2009, p.1-5.

[847] Hans M. Kristensen and Robert S. Norris, 'Indian Nuclear Forces, 2015,' *Bulletin of the Atomic Scientists*, Vol. 71(5) 77, 2015, p.83.A report published and updated by the author's each year.

[848] IPFM Global Fissile Material Report, 2013:21.

[849] Glaser, Alexander, and M. V. Ramana**,** 'Weapon-Grade Plutonium Production Potential in the Indian Prototype Fast Breeder Reactor,' *Science & Global Security,* 15 (2), 2007; Mian, Zia, A.H. Nayyar, R. Rajaraman, and M.V. Ramanna, Fissile Materials in South Asia and The Implications of the U.S.-India Deal, *Science and Global Security*, Vol.14, 2006, p. 117-143

[850] Sethi, 'INS Arihant and Credibe Nuclear Deterrence,' p.2.

India's ballistic missile programs are also no secret as the Indian government continues to test and deploy short-range and medium-range missiles, recognized as capable of reaching Pakistan and inter-mediate range and long-range missiles seen to have the capacity of reaching Shanghai, if 'deployed in the north-eastern corner of India.' India is also said to be developing the inter-continental ballistic missiles (ICBMs, Agni-5) with the extra range that are capable of 'delivering a warhead more than 5,000 km that are argued to 'allow the Indian military to establish Agni-5 bases in central and southern India,' thus placing them ' further away from China.'[851] However, a credible ICBM is said to have a 10,000 km range or higher. Overall, this program of missile 'development remains shrouded in secrecy' as much as 'the program has had many failures and misfires.'[852] In any case, they will 'have to acquire far greater ranges of not less than 6,000 to 8,000 kms for them to be meaningfully deployed.'[853]

However, it is still the aircraft and the fighter-bombers that 'constitute the backbone of India's operational strike force.'[854] The land based ballistic missile force remains dominated by the short-range missiles referred to as the *Prithvi I, 2 and 3* that have a range of 150- 350 kms. The medium, inter-mediate range missiles of 700-2000 kms are the *Agni* 2 and 3 that are under trial and their operationalization was delayed due to technical issues. The longer –range *Agni* 4 and 5 of 3000-5000 kms are under development.[855] As for sea-based weapons system, India is developing a nuclear power ballistic missile submarine (SSBN)— *Arihant* that is on trial. The second is a ship-launched ballistic missile called the *Dhanush*, which is perceived to be 'severely limited due to its short range.'[856] However, weapons and delivery vehicles operate within a complex set of systems with weapons assemblies and launch vehicles 'located at different sites' that requires 'planning and coordination.'[857] As General Sundarji puts it, 'it is not just a question of [finding] "needles in haystacks"' but parts of many needles in many haystacks which might be brought together when required within hours to days, to form full needles in yet many more different haystacks.'[858] Hence, the operationalization of developed weapons after they have been integrated with the delivery vehicles so to make them meaningfully deployed is a critical step, and the extent of India's operational capacity is discussed in the next section.

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[851] Kristensen and Norris, Indian Nuclear Forces, 2015,' p.80.
[852] Margolis, Eric, 'India Missile Test: Wake Up, Washignton!' *The World Post*, 20th April, 2012.
[853] Sethi, 'INS Arihant and Credibe Nuclear Deterrence,' p.1.
[854] Kristensen and Norris, 'Indian Nuclear Forces, 2015,' p.78.
[855] Ibid., p.79-81.
[856] Ibid., p.81
[857] Sethi, 'INS Arihant and Credibe Nuclear Deterrence,' p.2.
[858] Sundarji, Krishnaswamy (Retd. General), 'Prithvi in the Haystack,' India Today, June 30, 1997.

Extent of Actual Operationalization

A de-facto recognition for a nuclear possessor may be assessed in terms of the extent to which its acquired nuclear capability is operationalized that goes beyond the technical aspects to the soft organizational and institutional capacity of the nuclear possessor. It thus refers to the command and control system, organization's culture and practices, civil and military coordination, planning targets, rehearsal and drills. It has a procedural as well as a substantive aspect and enables an assessment of the extent to which a state's nuclear doctrine that is on paper is actually put to practice. The Indian government's claims have also included references to its restrained nuclear doctrine with a declared policy no-first use, minimum deterrence, voluntary moratorium, transparency with a civilian control of nuclear weapons. As discussed, the Indian government claimed a scientific competency, which implies the technical aspects of its program in as much as it also relied upon claims of a certain credibility of its nuclear establishment. These claims matter because they define the operational capacity of a state in the eyes of an audience. However, the ways and extent to which India has actually operationalized its nuclear policy to an institutional capacity outlined above provides an assessment of India's success as a de-facto nuclear possessor.

India's official nuclear doctrine came into existence only a year after its nuclear weapons tests in 1998 motivated by India's efforts to assuage international apprehensions. A formal institutional framework to deliberate issues of nuclear policy and security in the form of the National Security Council (NSC) headed by India's first National security advisor (NSA) was also formulated in the aftermath of the 1998 nuclear tests. The NSC looked into the country's political, economic, energy and strategic security concerns. Within the NSC, was the National Security Advisory Board (NSAB) of India, a subset group comprising of primarily, retired officials and experts who offered insight and analysis on security, strategy and nuclear policy to the NSC. However the latter has no obligation to accept or include their suggestions in formulating the national policy. The members of the NSAB are not elected representatives and while the idea was to bring in civil society experts with divergent views the suggestions of the NSAB are neither mandatory nor taken into consideration as such by the nuclear command and control authority, which comprises of a small group of the political leadership headed by the Prime-Minister and the scientific organizations.

India's command and control chain was formalized with the National Command Authority (NCA) in 2003 and is chaired by the Prime Minister. Though, India had soon after the 1998 nuclear tests claimed that its weapons would remain under civilian control 'little was known about the country's chain of command'[859] until 2003. The role of the commander-in-chief of the Strategic Forces Command (SFC) also announced in 2003 is unlike the other nuclear weapons states that usually have a 'Chief of Defence Staff, a supreme military office.'[860] The NCA has a political council and an executive council. The prime minister 'chairs the Political Council, and it is the only body with authority to order a nuclear strike. The national security adviser chairs the Executive Council, which advises the Nuclear Command Authority and carries out orders from the Political Council.'[861] The SFC ' working with experts at the DAE and the DRDO, is then tasked to work through the Chairman of the Joint Chiefs of Staff Committee (CJSOC) to mate the warheads with air and missile-delivery platforms held by the three armed forces.'[862]

With India's increasing arsenal and a possible nuclear triad, there have been proposals highlighting a greater need to have a regularly revised and updated command structure to 'wield operational responsibility for the arsenal.'[863] India's claims to a transparent nuclear doctrine is also not wholly true for one, India's nuclear arsenal has substantially increased and further much of its remains shrouded with secrecy. Secrecy in turn exasperates institutional weakness where 'hoarding and compartmentalization of information not only prevented India from coordinating the weapons development and weaponization programs efficiently, but also encouraged sequential decision-making.'[864] Secrecy partly 'grew out of a fear of the nonproliferation regime' and contributed to a weakly institutionalized policy planning 'between the scientific and military agencies necessary to move weapons from the stockpile to the target.'[865] Thus, India's often criticized weak link in the nuclear command chain remains an operational gap between the civilian leadership and military on the ground that could leave the 'Indian state vulnerable to a nuclear attack'[866] or a possible unauthorized use and nuclear accident.

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[859] Boyd, Kerry, 'India Establishes Formal Nuclear Command Structure,' *Arms Control Association*, January 1, 2003. https://www.armscontrol.org/act/2003_01-02/india_janfeb03
[860] Swami, Praveen, 'Modi Briefed on nuclear command structure,' *The Hindu*, June, 4 2014
[861] Boyd 2003. Also see Press release by Ministry of Foreign Affairs on 'Operationalisation of Nuclear Doctrine,' January 4, 2003. Available at: thttp://www.acronym.org.uk/docs/0301/doc06.htm
[862] Swami, Praveen, 'Modi Briefed on nuclear command structure,' *The Hindu*, June, 4 2014.
[863] Ibid.
[864] Kampani, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics,* p.82.
[865] Ibid.
[866] Kampani, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics,* p.81.

Benchmark III: India's Engagement with Norms and Compliance with the Rules

In a broader assessment of India's efforts, the discussion below is an evaluation of India's success in terms of the ways and extent to which India actually complied with the rules of the nuclear game. First and foremost, India's claims of substantive compliance with the NPT can be evaluated as a successful strategy that resonated with the targeted audience, particularly, India's claims of strict export controls and non-transfers to NNWS given that there is no known history of illicit nuclear transfers combined with strong domestic controls. India's nuclear behavior was thus seen to be compliant with the prevalent norms, values and beliefs that outlined the rules of the game and India was seen as following the rules, reinforced by the fact that India was doing so even from outside as a non-NPT state. While the P3 endorsed India's arguments of substantive compliance, the game-changers and the white knights also accepted that India's behavior was in alignment with rules resulting in quasi-nuclear legitimacy for India as a possessor of nuclear weapons. After 1998, the Indian government achieved some success in its efforts to be seen as a competent player that is capable of acting within the rules that underline a NPT centric nuclear regime.

Secondly, India is seen as a relatively more responsible possessor of nuclear weapons, an assessment not ascribed wholly due to an independent assessment of its behavior but one that remains relative to an assessment of Pakistan. India is successful on this front because India's own claims to responsible behavior were strategically tied to a consistent comparison with Pakistan's record and behavior. To this extent, India succeeded in its 'responsible nuclear behavior' claims of nuclear restraint and strict export controls on horizontal proliferation record. Other states are not necessarily persuaded but accept that India is a more responsible possessor of nuclear weapons than its neighbor, Pakistan and India's nuclear legitimacy remains relative to a lower threat perception of India vis-à-vis Pakistan and even Iran and DPRK. This is evident in India's waiver as a precedent for a criterion-based approach in the NSG based on substantive compliance with the rules. So much so that proponents 'argue that a criteria-based approach would give all of the countries that are currently locked out of international civil nuclear cooperation an incentive to bring their domestic laws, procedures and polices in line with the NSG norms.'[867]

[867] Anthony, Ian and Sibylle Bauer, 'Controls on Security-related international transfers,' SIPRI Yearbook 2009, Armaments, Disarmament and International Security, p. 471.

Further, such 'an approach could also help restore the perception of the NSG as a rule-based body rather than one driven by political and economic self-interest of its most powerful members.'[868] And this is seen as an opportunity to fill in legitimacy-gaps in the existing nuclear non-proliferation regime. The main point being that India's success comes from the fact that such a case-by case approach is an exception made for India for abiding by the non-proliferation standards incorporated in the NSG guidelines. The NSG control measures were tightened and revised in the backdrop of the illicit network of nuclear trafficking that was made public in and around 2004. An agreement in Warsaw in 1992 led the NSG to 'adopt a policy of full scope as a condition of future nuclear supplies'[869] and this standard became a 'global norm when it was incorporated on a decision at the 1995 Review Conference' when the NPT was extended indefinitely. In a sense, the NSG 'establishes rules that also apply to states that are parties to the NPT'[870] and thus to all the NNWS.

The point being, that India was seen in substantive adherence with these NSG guidelines, the purpose of which were mainly targeted at preventing horizontal proliferation both from one state to another and within a states (i.e. between its nuclear facilities) by 'controlling exports of nuclear and nuclear related-material, equipment, software and technology.'[871] India's exception was thus enabled by a shared belief that the NSG rules must ensure unhindered peaceful nuclear trade that would serve as an incentive for the large number of NNWS in the NPT. In other words, rules that facilitated 'legitimate trade by reducing the risk that nuclear cooperation would contribute to nuclear proliferation.'[872] India's success is evident in that India was treated differently as a state that could be trusted. Equally, India's accommodation was fuelled by the perception that it was not seen as a rogue actor enabling this 'hybrid approach' on which controls are tightened on 'small number of countries of concern, while technology is allowed to flow more freely within trusted communities of countries.'[873]

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[868] Ibid.
[869] NSG 'Statement on full scope safeguards adopted by the adherents to the Nuclear Suppliers Guidelines,' 31 Mar.-3 Apr 1992. Available at https://www.iaea.org/sites/default/files/infcirc405.pdf
[870] Anthony,Ian Christer Ahlström, and Vitaly Fedchenk, 'Reforming Nuclear Export Controls: The Future of the Nuclear Suppliers Group,' SIPRI Research Report No.22 Oxford University press: Oxford, 2007, p. 19.
[871] Anthony and Bauer, 'Controls on Security-related international transfers,' p.466.
[872] Anthony, Ahlström, and Fedchenk, 'Reforming Nuclear Export Controls: The Future of the Nuclear Suppliers Group,' p.13.
[873] Anthony and Bauer, 'Controls on Security-related international transfers,' p.459.

As international attention shifted to horizontal proliferation, in this light, India's claims of compliance with Article I of the NPT that commits NWS states not to engage in the transfer of nuclear weapons or explosive devices to other states or parties, nor to assist or be involved in any other way in their manufacture or acquisition, has constituted India's claim, in the most part. It is on the basis of a substantive compliance with Article I that India has claimed an impeccable non-proliferation record. In compliance with Article III of the NPT that 'prohibits the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devises' requires parties to the Treaty to transfer nuclear materials ad related equipment to other States only under International Atomic Energy Agency (IAEA) safeguards. India has been a IAEA member since its inception in 1957 and argued to being committed to IAEA safeguards separating its civilian and military facilities, and placing the former under IAEA safeguards. As for Article VI that commits all parties to the Treaty to pursue negotiations towards global nuclear disarmament, here too, the government and 'Indian officials have emphasized India's longstanding commitment to disarmament and have underscored India's credential as the only nuclear possessor state that is committed to commencing negotiations to bring about a world free of nuclear weapons.'[874]

Moreover, the NSG provided the space that allowed for an interpretation of NPT principles but also interplay of mercantile interests for trade and access to peaceful energy on one hand and non-proliferation standards and controls ensuing a 'political assurance' that 'non-proliferation policies are not a barrier to legitimate international nuclear trade'[875] on the other. India was thus seen as a responsible actor that is capable of exercising nuclear restraint, upholding the norm against horizontal proliferation and the norm of non-use. An actor that practices deterrence reflected in its declared nuclear policy of minimum deterrence as well supports the distinction made between 'rogue ' and good actors even if indirectly as reflected in India's vote against Iran at the IAEA at least three times in the four years between 2005-2009.

[874] Sullivan, 'Is India a Responsible Nuclear Power,' p. 4.
[875] Anthony, Ahlström, and Fedchenk, 'Reforming Nuclear Export Controls: The Future of the Nuclear Suppliers Group,' p.19.

The 'Indian press extensively debated the issue'[876] making a case on both sides and there was domestic dissent and opposition asking the government to refrain from any such interference on Iran issue. Moreover, despite the fact that India had trade relations with Iran, had received lucrative offers outside the OPEC where for example India could buy Iran's oil in rupees directly as well as the ongoing talks for a central Asia-Iran-India gas pipeline that would secure India's future oil needs and further reduce dependency.

Yet, India's alignment with the rules of the game was underlined by a shared expectation that India was seen as 'opposing Iran's alleged quest for nuclear weapons'[877] even though India did not explicitly refer to Iran as a rogue. Moreover, an acceptance of India's IAEA separation plan became contingent on India's decision to abide with UNSC sanctions against Iran and a resolution that 'urged Iran to immediately halt construction of the Fordow enrichment plant and confirm it has no more hidden atomic facilities or clandestine plans' but also condemning Iran's actions for being 'inconsistent with obligations as member of NPT.'[878] The words of the U.S Ambassador to India indirectly expressed that 'a deal giving India US nuclear technology could collapse if India does not back a UN motion against Iran' indicating that 'this is part of the calculation that India has to keep in mind.'[879] India's position on Iran despite trade interests shows the ways in which India made efforts to be seen as state capable of playing by rules in the eyes of the audience.

India's declaratory policies of no-first use and minimum deterrence also succeeded in showing that India did not have anything to hide about a nuclear policy that was under civilian control. Further, it also displayed India's belief in deterrence and its logic that nuclear weapons exist precisely so that nobody has to use them. India's alignment with the rules was also evident in India's draft nuclear doctrine that was prepared in the aftermath of 1998 nuclear tests. The nuclear doctrine was reviewed subsequently on January 4, 2003 spelling out India's nuclear doctrine and the operationalization of its nuclear deterrent in a

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[876] Mistry, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, p. 89.
[877] Bagchi, Indrani, 'India Votes against Iran at IAEA,' *The Times of India*, November 28, 2009. http://timesofindia.indiatimes.com/india/India-votes-against-Iran-at-IAEA/articleshow/5276462.cms
[878] Statement by Indian Prime Minister quoted in 'India Votes against Iran in IAEA Resolution,' *The Hindu*, November 27, 2009. http://www.thehindu.com/news/national/india-votes-against-iran-in-iaea-resolution/article55953.ece
[879] Statement by US Ambassador David Mulford, , 'India summons US envoy over Iran,' BBC News, 26th January 2006. Available at http://news.bbc.co.uk/2/hi/south_asia/4649742.stm

document released by the Prime Minister's office and decided— by the Cabinet Committee on Security— 'to be shared with public' indicative of an assurance of India's commitment to a posture of No-First Use, maintaining a credible but minimum deterrent summarizing the doctrine in brief seven points that included 'Non-use of nuclear weapons against non-nuclear weapon states,' 'a continuance of strict controls on export of nuclear and missile related materials and technologies, participation in the Fissile Material Cutoff Treaty negotiations, and continued observance of the moratorium on nuclear tests' and 'continued to global, verifiable and non-discriminatory nuclear disarmament,' where the latter two are also reflective of India's commitment and substantive compliance with Article III and Article VI of the NPT.[880]

Realists strategists such as Karnad have criticized India's doctrine strongly, suggesting that it is in fact 'a liability' and 'is not in the least credible, because it requires India to first absorb a nuclear attack before responding in kind.'[881] Yet, despite, a minimal doctrine that was termed by realists and strategists as an ineffective way to address India's perceived national security interests and threats also indicates that India's adopted ' restraint posture' was not a mere 'political rhetoric' but a strategic move in India's process of alignment with the rules of a transparent nuclear posture that was deemed proper and appropriate and that met the expectations of other states in the targeted audience. A move that accrued gains for the Indian government in the international nuclear realm that included 'lifting of economic sanctions and the removal of technology denial regimes, civil nuclear cooperation agreements, and accommodation in multilateral nuclear export control regimes.'[882] To sum up, India is successfully seen as a state that is capable of abiding by the rules and of displaying a mutually expected nuclear posture and behavior that is expected of a competent and responsible player in the nuclear realm.

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[880] Prime Minister's Office, "Cabinet Committee on Security Reviews Progress in Operationalizing India's Nuclear Doctrine," Press release, January 4, 2003, http://pib.nic.in/archieve/lreleng/lyr2003/rjan2003/04012003/r040120033.html.

[881] Bharat Karnad, *Nuclear Weapons and India's Security*, Macmillan, India Ltd 2004.

[882] Kanwal, Gurmeet , 'India's Nuclear Doctrine: Need for a Review,' *Report for Centre for Strategic and International Studies*, December 5th, 2014. Available at http://csis.org/publication/indias-nuclear-doctrine-need-review

Overall Assessment: A Mixed Report

The present chapter has discussed the ways and extent to which India has been successful or unsuccessful in its legitimation strategies. Overall, India's report is a mixed one, as outlined above, with success on some fronts and not so successful on the others. In terms of the first benchmark of access and participation, India's mixed report suggests limited access and participation and a non- membership of the nuclear club. The NSG was originally formed to engage those states that were exporters of nuclear technology but had not signed the NPT. Despite this, there remains a fair deal of hurdles in India's way for a privileged and desired club membership of the Supplier's group. To that extent, it further limits certain normative commitments and goals on the Indian side. In the words of India's NSA, also former Governor of West-Bengal, who explained that:

> A lack of the NSG membership limits our strength even in terms of our stance on disarmament than if we are fully accepted as members of the export club. Otherwise there is going to be a certain amount of moral dilemma on the Indian side. From India's point of view the question is about reality that is we are nuclear possessors; we are building up a nuclear arsenal and have missiles to carry them. So, at this point even talking in terms of nuclear disarmament, how can we really negotiate or discuss that without actually being on the high table where we can say that we are willing to put this on the table proportionate to what other nuclear weapons states such as America are putting on the table. How can we be heard or make that statement unless we are inside the club? It is like someone from outside the Governor's house telling me what I can do when I am inside but they are not.[883]

It is this perceived existing normative link between the NPT and NSG membership, as Dr. Venkatesh Verma emphasized 'that makes the NPT membership continue to matter for the audience because many countries attach importance to it and they cannot be ignored hence this ideational link cannot be brushed aside.'[884] India is not inside the group and this limits India's ability to participate in the rule-

[883] Author's interview with former Governor of West Bengal (2010-2014) and India's National Security Advisor (2005-2010) Mr. M. K. Narayanan at Calcutta on 6th September 2013.

[884] Author's Interview with Dr. Bala Venkatesh Verma, Joint Secretary, Disarmament and International Security Division, Ministry of External Affair and member of India's negotiation team at the NSG on 17th August, 2012 at New Delhi. Since 2013 he is Ambassador and Permanent Representative of India to the UN Conference on Disarmament, Geneva.

making process, rules that have normative as well as instrumental underpinnings. Thus, interplay of the two—that is a desired normative stake as well as access to serve material goals—best defines India's motivation and the extent of the outcome at the NSG on the response side. It may be suggested that India's case has set a precedent for a criterion-based approach in the NSG that makes it possible to engage with the other non-NPT states in other institutions *via* a non-NPT route.

However, India-specific exemptions did not give access to a desired ENR technology and neither has India been granted NSG membership. The NSG rules may not be legally binding yet they outline the rules for suppliers for commercial nuclear trade prescribing certain conditions that include NPT membership or an equivalent regime membership or agreement, amongst other things. Thus, India's NPT membership and India's NSG membership are normatively linked even if not legally. The targeted audience continues to value a NPT centric nuclear non-proliferation order and the 'give and take' in the negotiations between India and selected NSG states indicates what India actually received and gave in; evaluated along benchmarks of India's access, NSG participation and international agreements for nuclear commerce. Further, the interaction allowed for states in the targeted audience to be informed of how far India would go and what terms would be agreed to or not. For the Indian government it enabled an assessment of the minimal benchmarks needed to convince those in opposition and the reluctant supporters. So far, India is not accepted as a rule-setter nor recognized as a full NSG member, and the report on India's-success as a nuclear possessor in this ongoing process, remains a mixed one.

In terms of the benchmark of a de-facto recognition of its nuclear possession, India's legitimation strategies seem to be successful to a fair extent with the separation of civil and military sites where all of India's declared military sites remain outside IAEA safeguards. In terms of the extent of weaponization and development of delivery vehicles, the Indian government has gained considerable success over the years despite the, almost, three decades of sanctions and technology embargoes, that surely delayed but did not completely stall New Delhi's ballistic missile program. The latter officially started in and around 1983[885] and has further buttressed India's claims of scientific competency and credibility emanating from its indigenous capabilities.

[885] Mistry, Dinshaw, Containing Missile Proliferation, Strategic Technology, Security Regimes, and International Cooperation in Arms Control, University of Washington Press, 2003, p.116.

However, India's pace and efforts towards weaponzing have not matched the operationalization of its nuclear capabilities. And on this latter third aspect, India's report card is relatively weak, especially in the context of India's desire to be seen as an advanced nuclear possessor that is in the process of developing a nuclear triad. Apart from recognition of the democratic aspect of India's command and control system, the latter remains blurry with an operational gap and unclear and weak links in integrating the weapon with the delivery vehicle in sufficient time to strike or retaliate in case of a nuclear attack. This along with the fact, that much like the nuclear neighbor to its west, that is often employed as a vantage point, India's nuclear sites are perceived to be prone to a greater risk of theft, accidents and /or an inadvertent or unauthorized use.[886] Moreover, the direction of India's nuclear program has also been controlled by a small group of nuclear scientists and bureaucrats with the decision-making centered in the prime-ministers office. A handful of nuclear elites, termed the 'strategic enclave' coined by Itty Abraham, who constitute 'a state within a state'[887] further constrains the scope and pace of India's operationalization of weapons, that is shrouded with a great deal of secrecy and a closed- door policy.

Finally, the discussion on India's evaluation in terms of compliance with international norms and rules reveals that on this front India has achieved much success. India's arguments of responsible nuclear behavior were successfully embedded in the context of India's claims to substantive compliance. This is of significance because India remains a non-NPT state that has managed claims of being a responsible nuclear possessor. It is seen as capable of being trusted and of acting in line with the expected and shared rules of mutual restraint, deterrence, preventing transfer of technology to rogues and aligning with key principles of the NPT. This has in turn accrued India security but also a diplomatic standing thus becoming an example of a relatively and partially successful path of nuclear acquiescence in a post Cold War nuclear order—leading recent scholarly works to suggest that this is a possible nuclear path or course that other non-NPT states and rivals, like Pakistan may also attempt to follow in their efforts towards nuclear reconciliation and normalization. [888]

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[886] Dalton, Tony and Michael Krepton, *A Normal Nuclear Pakistan*, Policy Report for the Stimson Center and Carnegie Endowment for International Peace, 2015, p.32.
[887] Abraham, Itty, 'India's 'Strategic Enclave': Civilian Scientists and Military Technologies,' *Armed Forces & Society*, Vol. 18, No. 2, (Winter 1992), p. 232–252.
[888] See Dalton and Krepton, *A Normal Nuclear Pakistan*.

CHAPTER NINE
Conclusion

The goal of the thesis was to highlight a two-sided legitimation process. To do so, the first part describes the Indian government's desire and 'priority to redress India's international isolation'[889] particularly as B.G. Verghese argued 'targeting states sitting at the high table to justify what India was doing and why.'[890] Legitimacy is understood as a motivation and its quest is demonstrated in the kind of arguments that were made by the Indian government to justify India's *possession* of nuclear weapons. The nature of arguments reveal the value assigned to legitimacy as the Indian government did not rely only on traditional themes of security to justify India's possession of nuclear weapons. Instead, as Ambassador Sharma noted that 'a whole set of arguments were strategically made and each was believed to have considerable weight.'[891]

An indefinite extension of the NPT in 1995 made legality-based arguments to modify the NPT and include India as a nuclear weapons state (NWS) as well as attempts to a de-jure recognition for India's possession of nuclear weapons— both difficult and costly. As arguments along the spectrum were made including – security and materialist factors as well as strategic employment of international norms, shared values and beliefs— to employ Ambassador Sharma words 'different arguments seemed to appeal to the different countries'[892] in the targeted audience. Given this, the thesis outlines the process of assuagement on the Indian side, which a key member of India's negotiating team described as a 'carefully executed process where the act of defiance was explained with a sense of humility and politeness at the highest level of leadership.'[893] The underlying tone of these arguments remained as Jaswant Singh admitted that 'although India tested, it had done so reluctantly.'[894]

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[889] Perkovich, George, *India's Nuclear Bomb: The Impact on Global Proliferation* (Berkeley, CA: University of California Press), 2001, p.435.

[890] Author's Interview with Mr. B. G. Verghese, Senior Journalist, Information Adviser to the former Prime Minister late Mrs.Indira Gandhi (1966-69) and Editor of The Hindustan Times, New Delhi, 16th October 2012.

[891] Author's Interview with Ambassador Sheel Kant Sharma, former Ambassador to Austria and Permanent Representative of India to all international organizations, Vienna (2004-2008), Former Joint Secretary, Disarmament and International Security Division, Ministry of External Affairs (2000-2003); Ninth Secretary General of SAARC, (2008-2011), New Delhi, 3rd August 2012.

[892] Ibid.

[893] Author's interview with Ambassador Sheel Kant Sharma, 3rd August 2012, New Delhi.

[894] Author's interview with Mr. Jaswant Singh, Former Minister External Affairs Ministry, (1998-2004) Former Defence Minister (2000-2001) at New Delhi, 18th August'2012.

India's possession of nuclear weapons was justified with reference to a security threat arguing that India had 'no option but to go for overt nuclear weaponization.'[895] In attempts to convince states that India was capable of practicing nuclear deterrence Indian officials argued that India was capable of, and so far, played by the rules— rules that defined a 'competent player' in a 'western nuclear modernity' sense[896] underlined by the notions of deterrence, restraint and stability. The initial strategy, as Ambassador Singh explained included an 'alignment of behavior' with the rules of the game that was believed to bring in a certain 'degree of quasi- nuclear legitimacy.'[897] The Indian government went beyond a legal argument, as Dr. Kakodkar reaffirmed that 'it had not violated any rules'[898] or as Ambassador Ghose noted that 'as a non-NPT state it was not legally bound by them.'[899] Instead, arguing that even as a non- NPT state 'India's behavior was consistent with NPT principles.'[900] It was thus considered desirable and valued to be seen in line with the NPT and India's attempts to acquire 'nuclear legitimacy' referred to 'its record on non-proliferation of nuclear technology, its democratic political system and firm civilian control of strategic assets.'[901]

On the response side, legitimacy is understood as an effect generated from a 'socially significant process of negotiation and (re) drawing boundaries.'[902] With this, the thesis has tried to highlight a normative space of interaction that provides a meeting point for the norms of legitimacy and the strategies of legitimation thereby demonstrating the practice of legitimacy. The reason giving and justification on the response side demonstrates 'how the strategic use of principled arguments interacts with material forces to affect policy outcomes.'[903] An analysis of the international responses also reveals how normative and ideational evaluations along with realist and materialist factors enabled and determined the 'timing and the nature of rapprochement'[904] with India.

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[895] Singh, Jaswant, 'Nuclear Apartheid', *Foreign Affairs*,Vol.77, No.5,1998,p.44.

[896] Gormon, O' Ned and Kevin Hamilton, 'At the Interface: The Loaded Rhetorical Gestures of Nuclear Legitimacy and Illegitimacy,' *Communication and Critical/Cultural Studies*, ,vol.8, no.1, March, 2011,p.43-44.

[897] Author's interview with Ambassador K. C. Singh, Ambassador to United Arab Emirates (1999-2003) and Iran (2003-05). Secretary Ministry of External Affairs, India, New Delhi, 23rd July 2012.

[898] Author's Interview with Dr. Anil Kakodkar, Chairman, Atomic Energy Commission (AEC), Director, Department of Atomic Energy (DAE) New Delhi, 10th November 2012.

[899] Author's Interview with Ambassador Arundhati Ghose. India's Representative to the CTBT in 1996, Member of UN Secretary General's Disarmament Advisory Board New Delhi, 28th July, 2012.

[900] Singh, 'Nuclear Apartheid.'

[901] Raghavan, V. R. 'India's Quest for Nuclear Legitimacy', *Asia-Pacific Review,* Vol.13, No.1, 2006, p.63.

[902] Jackson, Patrick '*Civilizing the Enemy: German Reconstruction and the Invention of the West*,' University of Michigan Press, 2006, p.41.

[903] Bower, Adam, 'Arguing with Law: strategic legal argumentation, US diplomacy, and debates over the International Criminal Court,' *Review of International Studies*, October, 2014, p.4.

[904] Goh, Evelyn, *Constructing the US Rapprochement with China, 1961-1974: From Red Menace to Tacit Ally*, New York and Cambridge: Cambridge University Press, 2004, p 4-5.

For example, the reason giving on the response side included references to India's democratic form of government and how India was perceived as less of a threat in comparison to Pakistan and even Iran and DPRK. To justify how India should be treated differently from other nuclear outliers and/or rogues, the targeted audience endorsed India's argument of responsible and restrained nuclear behavior. The "why" of international responses is thus contextualized to ask "how" international responses came about and how they were made possible? For example, the role of the United States in explaining "why" nuclear reconciliation with India happened after 1998 is itself contextualized to understand how Indo-US nuclear engagement enabled the game- changers—Australia, Japan, Canada, and Germany to take an officially stated position 'of not coming in the way' of India's waiver. It enabled to justify a shift, after 1998 towards an approach of economic and political pragmatism by 2008. Similarly the US argument that India would be brought into the greater fold of the nuclear regime assuaged the White Knights and concerns centered on preserving the NPT centric non-proliferation order.

The international responses while illustrating the ways in which instrumental reasons mattered, also underlines the strategic ability of norms to induce certain kinds of responses. In doing so, the thesis discusses the opportunity created by the prevalent norm against horizontal proliferation, shared value of democracy and the idea of a rogue state in a post-Cold War nuclear order. For example, India's democratic identity, claims to responsible behavior and substantive compliance with the NPT resonated with the prevalent norms and shared beliefs of deterrence, democracy, rogue doctrine and the norm against horizontal proliferation. In other words, the discussion explains 'how' substantive and normative evaluations made it possible for these other states to respond to India's strategies in the ways and extent to which they did, in the context of their own normative commitments, domestic policy and strategic considerations. The reasons giving on the response side reveals that it was neither solely materialist or solely strategic, nor was their support to India justified on these grounds alone, domestically or internationally. The discussion emphasized how normative factors circumscribed the interaction between India and the audience, facilitating a process of nuclear reconciliation after 1998 leading up to 2008.

Addressing Alternate Explanations

A purely neo-realist, rationalist and/or a neo-liberal institutionalist account of why India assuaged international concerns or why selected states ultimately received and responded to India, tends to overlook how the process of nuclear reconciliation actually happened. Broadly speaking, the notion of power politics, materialist interests, commercial incentives or that of burden sharing that respectively, underline these approaches, rest upon the principles of instrumental rationality and utility maximization. The underlying assumption is that of exogenous preferences that tends to conflate motivations or reasons with the observed behavior and choices. It overlooks aspects of motivations and/or choices that go beyond the consequences to the values of rules of behavior and are shaped by inter-subjectively shared norms, beliefs, values and ideas. The latter does not deny that actors are purposive, goal-oriented or rational but emphasizes that 'rational action is itself socially constituted, and they conceptualize the goals toward which an actor is striving in much broader terms than others do.'[905]

Moreover, Wendt posits, if 'rational choices are themselves dictated by desires and beliefs, then in what case do we "choose" them?'[906] Rationalism relies primarily on observed behavior and 'behavior, it appears, is to be explained in terms of preferences, which are in turn defined only by behavior.'[907] Sen provides a critique of three distinct elements in the rationalist approach, reiterated here. Firstly it is a consequentialist view that judges acts by consequences only. Secondly, it is an approach of act evaluation rather than rule-evaluation. Thirdly, the only consequences considered in evaluating acts are those on one's own interests, everything else being at best an inter- mediate product.[908] The case for a normative understanding may then arise from a violation of any of the three principles that allows for the study of the role of inter-subjectively shared values, beliefs and norms in explaining behavior and choices. A constructivist account opens room for a constitutive explanation to understand acts or choices that may emanate from the 'value' of rules of behavior, making space for understanding deviant or non-compliant behavior as well as in this case, the behavior of nuclear outliers or outlaws.

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[905] Hall, A. Peter and Rosemary. C.R Taylor, 'Political Science and the Three New Institutionalisms', *Political Studies,* XLIV, 1996, p.949.

[906] Wendt, Alexander, 'Driving with the Rearview Mirror: On the Rational Science of Institutional Design' in Barbara Koremenos, Charles Lipson and Duncan Snidal eds., *The Rational Design of International Institutions* (Cambridge: Cambridge University press , 2001), p. 278.

[907] Sen, Amartya, K., 'Rational Fools: A Critique of the Behavioral Foundations of Economic Theory', *Philosophy and Public Affairs*, vol.6, No.4 (Summer, 1997), p. 325.

[908] Ibid., p.342.

An approach focusing *solely* on power/interest factors, such as neo-realism, primarily traces nuclear decisions to the balance of power and security dilemmas that will 'only explain some of the dynamics of nuclear proliferation, leading to a distorted and over-simplified view of nuclear decision-making and nuclear behavior.'[909] It also falls short of explaining why an intervening state, whose claims appear to challenge the nuclear order are accepted to any extent or manner, that brings it into the greater fold of the same order. Then, the approach of neo-liberalism focuses on the role of international institutions in mitigating security dilemmas by enhancing information about others' intentions and capabilities[910] with an 'emphasis on states' rational incentives to choose particular institutional arrangements that leave all states better off (Pareto optimal).'[911] The ambiguity remains, where on one hand rational choice identifies preferences with being better off, yet 'at the same time', as Sen argues, 'it is not quite unnatural to define "preferred" as "chosen."'[912]

The problem of proliferation calls for moving beyond traditional neo-realist and rationalist assumptions to including an understanding of processes that draw upon inter-subjectively shared normative and ideational factors and expectations of what constitutes acceptable and rational behavior. Perkovich argues 'proliferation qualitatively changes the state that engages in it, altering the array of interests that must be addressed before unproliferation can occur.'[913] In understanding state behavior solely through either one of the approaches falls short of explaining the interaction of the different factors to understanding how the normative challenge that India and others faced—of India being a nuclear possessor outside the NPT—was overcome. It falls short of explaining how reluctant states—the game-changers and the White Knights in opposition —were able to accept India in the ways and extent to which they did, in the context of their own normative stakes and substantive understandings. Surely, if only material benefits dictated or informed the responses of states then the NSG would have perhaps 'changed the (general) criteria of its export guidelines, instead of an India-specific waiver in the NSG. In this way, it would have been possible to obtain all the benefits mentioned before in much more cases, in particular by opening up nuclear trade with Israel and Pakistan.'[914]

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[909] White, Tanya, Oglivia, 'Is There a Theory of Nuclear proliferation? An Analysis of the Cotemporary Debate,' *The Nonproliferation Review*, Fall 1996, p.3.

[910] Keohane, Robert O., *After Hegemony*: Cooperation and Discord in the World Political Economy Princeton: Princeton University Press, 1984; Keohane, and Martin, 'The Promise of Institutionalist Theory, p. 39-51

[911] Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation, p.*14.

[912] Sen, 'Rational Fools: A Critique of the Behavioral Foundations of Economic Theory.'

[913] Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation,* p.7.

[914] Kienzle, 'The exception to the rule? The EU and India's challenge to the non-proliferation norm,' p.45.

However, this has not happened. A power/interest account by itself does not wholly explain India's acquiescence as a state that 'developed nuclear weapons outside the framework of the NPT, whereas a country like Iran that has signed and ratified the NPT'[915] is perceived differently. Or as Wendt observes, how and why '500 British nuclear weapons are less threatening to the United States than 5 North Korean nuclear weapons.'[916] Nuclear legitimation is understood as a two-sided process that relies on social recognition by the targeted audience that the intervening state's behavior coincides with the rules of the game– that are both normative and instrumental— and are desirable, appropriate and cost-effective. However, this does not require internalization of norms by the intervening state or a persuasion of the audience. It is based on a mutually beneficial cooperation of favorable outcomes and political reassurances about consequences. Hence, the NSG waiver was not merely bestowed or granted only because of the perceived material benefits and/or security interests. Nor was India accommodated only because others were intrinsically persuaded to do so.

India was playing by the rules and as the French Counselor explained 'the rules of the game did not change where abiding by the NPT and ensuring nuclear technology is used only for civilian purposes is still at the core of the regime. Although India has not signed the NPT, there is no evidence of India's engagement in proliferation activities beyond civilian nuclear purposes. From a practical point of view, India is a country that despite not having signed the NPT shows all the signs of fulfilling international obligations and of abiding by the rules.'[917] Such a shared assessment based on rules and that draws upon normative, ideational as well as instrumental factors does not imply a shared moral consensus. Finnemore and Sikkink explain how a shared assessment is arrived at by what they call the process of life cycle of norm that describes 'agreement among a critical mass of actors' that 'can create a tipping point after which agreement becomes widespread.' More relevantly, they explain motivation for a norm cascade as a combination of 'peer pressure for conformity' and a 'desire to enhance international legitimation.'[918] An understanding of state behavior within a norm-based account of practical reasoning 'links accounts of justification and accounts of motivation'[919] to uncover underlying preferences and motives, not directly observed. It allows determining identities and preferences of actors and how they want to be 'seen' and makes it possible to ascertain the reasons for actions, reasons that are inward for those for whom they are reasons.

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[915] Ibid.
[916] Wendt, Alexander,' Constructing international politics,' *International Security*, 20, p.73.
[917] Authors interview with Mr. Sunil Felix, Nuclear Counselor, Embassy of France, New Delhi, 26th November 2012.
[918] Finnemore and Sikkink, 'International Norm Dynamics and Political Change,' p. 895.
[919] O'Neil, Onora, *Bounds of Justice*, Cambridge: Cambridge University Press, 2000, p.21.

The case of India's nuclear reconciliation and the ways and extent to which India's claims were accepted or recognized by the targeted audience also highlights how some factors mattered more than the others for the states in the targeted audience. India's claims and the responses to it, is an example that not only challenges purely rationalist assumptions but also points to how commercial interests were, after all, not directly decisive factors when it comes to the responses of reluctant states such as the game-changers and the White Knights. In fact for the former, it mattered more to them, to be seen as aligning with the US and not to be seen to antagonize the US on an issue that seemed to be of a major importance to Washington. For the White Knights, any such commercial interests in the nuclear realm and/or in general, were of less important as countries that had 'little interest in nuclear energy' but that 'have strong anti-nuclear policies'[920] as they pressed upon substantive terms for India's inclusion. The White Knights have not engaged in nuclear trade with India nor have any of them signed an agreement of intent or civil nuclear cooperation since India's NSG waiver in 2008. They also refrained from endorsing nuclear energy as clean energy. Commercial interests also mattered less for the 'like-minded states' when compared to the direct and indirect 'pressure' that they faced diplomatically and that 'intensified especially before the decisive meetings in the IAEA Board of Governors and the NSG in late summer 2008.'[921] It also mattered less in comparison to say, domestic politics in these countries where some were close to elections as Ireland and some like 'Sweden, in particular, took a much more pragmatic stance after a change of government in 2006.'[922]

This then calls for the 'often overlooked – interplay between ideational and material factors that makes a tipping point and a subsequent norm cascade successful.'[923] And employing the different approaches need not necessarily be a 'war of paradigms' and may be 'most fruitfully viewed *pragmatically* as analytical tools rather than as metaphysical positions or empirical descriptions of the world.'[924] Yet, being mindful that the different factors be it materialist or normative may matter more or less at different points for different actors and for different reasons.

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[920] Bano, Saira, Norms Contesttaion: Insights from Morphogenesis Theory, The Korean Journal of International Studies Vol.13-1 (April 2015), p. 22

[921] Kienzle, Benjamin, 'The exception to the rule? The EU and India's challenge to the non-proliferation norm,' *European Security*, 24:1, 2014, p.47.

[922] Becker-Jacob, U., et al., 'Good international citizens: Canada, Germany, and Sweden' in Harald Müller and C. Wunderlich, ed(s) *Norm dynamics in multilateral arms control: interests, conflicts and justice*, Athens, GA: University of Georgia Press, p. 207–245.

[923] Kienzle, 'The exception to the rule? The EU and India's challenge to the non-proliferation norm' p.41.

[924] Fearon, James and Alexander Wendt, 'Rationalism v. Constructivism: A Skeptical View' in Walter Carlsnaes, Thomas Risse and Beth Simmons eds., *Handbook of International Relations* (London: Sage, 2002), p.52.

Why Legitimacy Mattered in the Interaction

If understood as a desire on the Indian side and an effect of social perceptions on the audience side, why did nuclear legitimacy matter in the interaction? It mattered because it enabled India and the other states to meet strategic, materialist interests as well as normative goals, cost-effectively. A legitimation process created a space for interaction that reduced 'associated costs' for India as well as for the other states in the audience responding to India. However, the associated costs, as discussed in chapter two, emanate not from what is independently believed or considered to be morally appropriate or from a purely instrumental reasoning. Instead, it is based on a 'political assurance about the consequences' that in turn draws upon social perceptions of the audience. A legitimation process thus enabled both India and the targeted audience to understand the extent to which either side was willing to give in and what the possible consequences of the negotiations could be. For example, on the audience side, there was a growing belief that any further demands beyond what had been extracted from India to the extent of September 6th, 2008 statement by the Indian External Affairs Minister would possibly result in India leaving the negotiating table. It was also believed, especially, by the reluctant supporters that 'India's inclusion in the regime would raise the costs of non-compliance with key regime elements in the future. For example, if it chooses to conduct another nuclear test, India might once again lose its access to international nuclear trade.'[925] On the Indian side it provided a 'political reassurance' about the associated costs and for the audience it enabled an assessment of a shared expectation thereby creating a space for the audience to re-assess their expectations so as to arrive at a mutually beneficial outcome. Secretary of Non-Proliferation and Disarmament in the Indian Ministry of External Affairs described this process in the context of India's own strategy:

> India's strategy in nuclear negotiations was one of openness and transparency. As we explained our stance, we set out very clearly what India was prepared to do and what India was not prepared to do. The theory that international negotiations should be outside public glare in closed rooms was not followed and the PM deliberately did it in a transparent manner even explaining India's position in the Parliament as he laid out what India was prepared to give and where India would not give in. At each stage of the negotiation we explained where we would go and won't go. In a sense, this helped build some support domestically but importantly, it also worked as a powerful signal to our external interlocutors. So by the time we went to NSG in 2008, these states knew the extent to

[925] Kienzle, Benjamin, 'Integrating without Breaking the Rules: The EU and India's Acceptance within the Non-Proliferation Regime,' *Non-Proliferation Papers*, *EU Non-Proliferation Consortium*,No.43, February 2015, p.7.

> which India was prepared to do things. My own sense is that by the time it came up for NSG decision, while the general conclusion was to bring India closer to the regime. However, those selected countries also realized that as such they had a wrong assessment about the cost India was prepared to pay. So as they had in this sense pushed India a little further. However, after several rounds of negotiations they also learnt that India would not go any further. So in the process of arriving at the consensus, they also scaled down some expectation on the costs they were expecting India to pay. [926]

A process of legitimation made possible certain kind of claims and responses and provided the normative space for a strategic interaction. This raises the question, why did states care about occupying this space? India and other states seemed to care about occupying this space because it reduced the associated costs for them and also 'because they fundamentally care about their standings in the international society structured by these shared understandings.'[927] India's strategy of engaging in a multilateral setting of the NSG and claiming procedural legitimacy and substantive compliance with the NPT mattered because of the perceived legitimacy that accrued to India. A perceived legitimacy that is not based on the normative qualities of the NSG or the NPT. Instead, it essentially implies social perceptions and shared beliefs that acquiring a NSG consensus would bring a certain degree of legitimacy for India's actions. This is also evident on the Indian side where the Indian government desired to be seen in line with the NPT and strategically claimed a substantive compliance with the key principles of the NPT and desired to be seen as playing by the rules. Here, the role of the subjective beliefs of actors and the 'legitimacy perceptions' becomes relevant as it explains state behavior and interactions in a strategic context. Acquiring nuclear legitimacy was desirable because it reduced the associated costs; at the same time legitimacy judgments were also underlined by rules that deemed appropriate and acceptable behavior. States 'might initially pay mere lip –service to the new norm, or embrace it for purely strategic reasons'[928] while a desire for 'legitimation, conformity and esteem,' Finnemore and Sikkink posit, is 'likely to socialize them into accepting a new standard for appropriate state conduct.'[929]

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[926] Author's Interview with Dr. Bala Venkatesh Verma, Joint Secretary, Disarmament and International Security Division, Ministry of External Affair and member of India's negotiation team at the NSG on 17th August, 2012 at New Delhi. Presently, Permanent Representative of India to the UN Conference on Disarmament, Geneva.

[927] Coleman, Katharina, *International Organizations and Peace Enforcement: The Politics of International Legitimacy*, Cambridge: Cambridge University Press, 2007, p.41.

[928] Brunnee, Jutta and Stephen J. Toope, *Legitimacy and Legality in International Law*, Cambridge University Press, 2010, p.58.

[929] Finnemore and Sikkink, 'International Norm Dynamics and Political Change,'p.903.

Why legitimacy mattered is also understood as a combination of the extent to which norm compliance produced favorable outcomes for India as well as India's desire to be seen as in line with the rules given the associated 'costs that come, for example, being labeled a "rogue state" in international interactions.'[930] It was in India's interest to comply with the norms and beliefs that underlined the rules of the game and to claim substantive compliance with the NPT as a non-NPT state. To elaborate, nuclear legitimacy mattered in the interaction because it facilitated India's access to international nuclear trade, mainstreamed India into nuclear commerce and made possible India's NSG waiver. The perceived legitimacy generated out of the interaction and negotiations between India and the audience implies the social perceptions and beliefs of the audience that India was playing by the rules. It is not based on a persuasion that India was behaving in a manner that is morally appropriate, rather India was seen in line with the rules that are both normative and instrumental. And in the words of Franck, the rules of the international system 'are like the house rules of a club. ....and it is the desire to be a member of the club, to benefit from the status of membership, that is the ultimate motivator of conformist behavior.'[931]

Further, nuclear legitimacy mattered because it also affects the calculus of other states in the audience with respect to the 'compliance perceptions' of the intervening state. In other words, having acquired a certain degree of nuclear legitimacy affects 'compliance perceptions,' that essentially implies social beliefs and perceptions of the audience that the intervening state is less likely to cheat in future. Franck's work proposes that compliance with international rules largely reflects the degree to which these rules are viewed as legitimate and thus closes 'the compliance gap.'[932] This in turn may reduce the associated costs for both the intervening state and the audience and may also make future negotiations and interactions that much more cost-effective, particularly, for the intervening state and the states seeking to support and/or endorse the arguments and actions of the intervening state. Nuclear legitimacy thus mattered because it made it possible to arrive at a mutually beneficial outcome and a normative equilibrium sustained by the prevalent norms and beliefs that underlined the rules of the game and are inter-subjectively shared by states in that realm.

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[930] Ibid.
[931] Ibid., p.38.
[932] Franck, Thomas, *The Power of Legitimacy Among Nations* (Oxford: Oxford University Press 1990).

As a legitimation process unfolds it reinforces existing rules underlined by the prevalent norms and beliefs. Actors may well enter 'in new relationships for instrumental reasons but develop identities and rules as a result of their experiences, thus shifting increasingly toward rule-based action, which they then pass on to subsequent actors. By this mechanism, instrumental modes of action can be seen to be self-limiting, whereas rule-based modes are seen to be self-reinforcing.'[933] Thus, stability of the normative order 'is a functional contribution of the rules'[934] and states value these rules not only because of this functional contribution or only because of the inherent value of the rule as states may 'disagree on the normative value of the content of the prevailing rules,' but because 'they value the society these rules are both outgrowths of and help to order.'[935] In the course of the legitimation process, norms and beliefs reinforce each other and create a favorable environment making certain claims far more acceptable. As a consequence, future claims made by the intervening state to assert certain rights are more likely to resonate with the audience.

For example, in the context of this thesis, the norm against horizontal proliferation reinforced the idea of non-transfers and strict exports controls as key benchmarks for evaluating responsible behavior. Then, India's claims of nuclear restraint reinforced the norm against non-use of nuclear weapons and in turn made India's arguments that much more acceptable. Similarly, the rogue doctrine in a post-Cold War nuclear order created a distinction between states and transferred the value of judgment to nuclear possessors. In other words, the emphasis shifted to the actor where the distinction also drew upon the political character of states, making India's democratic identity seem to matter more in the prevailing circumstances. As a result, India's identity as a successful democracy mattered as reflected in the international responses and it also supported India's claims of trustworthy, transparent and civilian command and control. India's claims to a substantive compliance with the NPT focused on key principles, mainly Article I, III and VI reinforced the norm against horizontal proliferation, strict export controls and made India claims of an actor capable of playing by the rules that much more effective. The arguments and strategies employed by the Indian government also sought to draw a comparison with Pakistan to justify and legitimize a differential treatment for India, in relative terms.

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[933] March, J. G. and J.P. Olsen 1998. 'The institutional dynamics of international political orders', *International Organization*, 52, p.953.
[934] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy,* p.35.
[935] Ibid., p.36-37.

Nuclear legitimacy mattered not only for ideational reasons, it accrued certain material benefits both for India as well as other states in the targeted audience that were receiving and responding to India's claims. Through the process of legitimation and having acquired a certain degree of nuclear legitimacy made it possible for India and the supporters for India's case to convince other reluctant states for a NSG waiver for India in 2008 even as India continued to remain outside the NPT. It also enabled these other states to bolster the domestic legitimacy of their own stance and policy as they sought to explain and justify their response on India's waiver as a non-NPT state to their respective domestic audience. The 'practice of legitimacy describes a political negotiation amongst members of international society as they seek out an accommodation between those seemingly absolute values, and attempt to reconcile them with a working consensus to which all can feel bound.'[936]

In this way, a process of legitimation reduced the possible political and material costs in building a consensus amongst the NSG participating states on India's waiver. This is not to suggest that the domestic dissent in the states within the targeted audience was completely done away with as a result of a expressing a certain degree of acceptance for India's claims. In the case of Germany, Australia and Japan for example, the domestic dissent and vocal criticism for the Indo-US nuclear deal and the NSG exemption for India continued. However, it certainly reduced the political costs for these countries and enabled their governments to justify their responses and stance on India—both to their domestic audience as well as internationally, including to the active and vocal civil society actors in these countries. In the absence of a legitimation process, it would have been costly and all the more difficult for these other states to explain or justify their action 'either to its domestic public or to other states in the international system.'[937] Moreover, between a 'logic of expected consequences' and 'logic of appropriateness is a 'logic of social action' in which states are 'inevitably social actors'[938] and recognize a set of rules that shapes state behavior. This 'motivational logic' implies that even these other states in the targeted audience cared about how their actions were going to be perceived and the ways and extent to which they are seen as responsible or irresponsible members of the NPT centric nuclear non-proliferation regime.

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[936] Clark, Ian, *Legitimacy in International Society*, Oxford University Press, Oxford, 2005,p.29:30.
[937] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy,* p.41.
[938] Ibid., p.37-38.

As has been outlined in the earlier discussions, the Indian government's strategies and the international responses are understood as the two sides of the nuclear legitmation process explained in the context of 'a convergence of circumstances'[939] such as the end of the Cold War, India's economic reforms and 'the ideological orientation of the administration in the White House.'[940] India's identity as a responsible state with democratic polity also served as factors that enabled certain kinds of responses. However, a shift from the United Nations Security Council Resolution 1172 and sanctions in 1998 *to* a process of normalization, acquiescence and India's NSG waiver in 2008, also required 'establishing the conditions under which they [sanctions] could be lifted.'[941] Thus, shared norms, values and beliefs 'set standards for legitimacy judgments' and as the 'commonly acknowledged 'rules of the game' '[942] created the conditions for lifting sanctions. Simply linking the process of lifting India's sanctions 'with the benchmarks of Resolution 1172 would not work, since it was clear that some of the requirements of the resolution could only be met over a long period' and 'sanctions could not remain effective indefinitely.'[943]

A legitimation process thus mattered because it facilitated an 'exit strategy'[944] for India as well as it made possible for these other states in the targeted audience to accommodate India, enabling their decision to not come in the way or to decide to not block India's NSG waiver in 2008 to the extent that they did. The norms and beliefs that formed the basis of legitimacy judgments and underlined the rules—understood as constitutive rules and not merely prohibitive— created the normative space that could be made possible only by a process of legitimation thus allowing states to engage in a strategic interaction in the first place. It enabled India to undertake and engage in the activity of nuclear reconciliation and provided a strategic context for an interaction between India and the audience. In normative terms, 'particular types of activity only become possible as shared understandings of this activity emerge in international society, in this sense, it is international nuclear legitimacy 'that makes a particular kind of activity possible.'[945]

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[939] Sasikumar, Karthika, 'India's Emergence as a "Responsible" Nuclear Power,' *International Journal*, vol. 62, no. 4, 2007, p.825.
[940] Ibid.
[941] Ibid.
[942] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy,* p.34.
[943] Synnott, Hilary, The Causes and Consequences of South Asia's Nuclear Tests,' *The Adelphi Papers*, Special Issue, Volume 39, Issue 332, 1999, pp:31.
[944] Ibid.,p.31.
[945] Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy,* p. 41.

For example, it is the norm against horizontal proliferation and the rule of strict export controls that made India's claims of a good and responsible non-proliferation record possible as well as for other states to make that argument in relation to India. Perhaps, material incentives or motivated by strategic reasons these other states would have still reconciled with India, subsequently. However, the norms enabled the other states as NSG members to extract certain commitments and assurances from the Indian government to the extent that they did, that would have been very difficult in the absence of some sort of a shared understanding. In the absence of an employment of normative justifications and ideational factors, the NSG waiver for India— as realists and materialists will argue— would have still been granted or would have been a highly possible outcome. However, it would have been an uphill task to justify and explain their responses and stance on India both to the international community as well as their domestic public. At the same time, it would also have been a far more difficult and costly process 'to mobilize international or domestic resources'[946] for India's nuclear exemption in the NSG as a non-NPT state.

In such constructivist terms, India's nuclear reconciliation was made possible by the presence of the prevalent norms and beliefs and on account that such a 'normative space' already existed in the nuclear realm and in the context of the nuclear regime, for such a process to be initiated and executed. And India and other states cared about interacting in this normative space because it led to a more efficient resource mobilization at lower costs internationally as well as domestically. Not only this, India cared for a quest for nuclear legitimacy, which the Indian government sought for itself with an underlying desire to be seen as a legitimate possessor. Similarly, other states in the audience also cared about how they are seen actors in the nuclear realm in the context of a shared understanding of appropriate and responsible nuclear behavior. Nuclear legitimacy was thus sought by India as an end in itself and not only as a means to strategic or material benefits, although a process of legitimation facilitated the latter two. But then, as argued on the audience side, it also facilitated the meeting of certain normative ends and outcomes as desired on the audience side. Such ends that could be pursued only by occupying this normative space and by engaging within this space, especially, in the ways and extent to which India was actually granted access and participation in the NSG.

[946] Ibid.

Contribution and Policy Implications of the Research

The findings of the thesis could enhance our understanding of how the normative framework of the nuclear non-proliferation regime actually allows India to engage in a kind of a 'dualistic' behavior i.e. make claims to being in substantive compliance yet continue to develop nuclear capabilities thus employing strategies to be accommodated within the non-NPT aspects of the nuclear regime.

A *second* contribution is an emphasis on how norms of the non-proliferation regime play an enabling role, alongside a constraining one, thereby contributing to the developing literature on the role and the impact of norms in international relations. It highlights the role of norms as it underlines the strategic role of legitimacy to explore the ways in which norms might have facilitated the legitimation process and 'made possible' (rather than directly caused) India's claims and the responses to it. It thus establishes a constitutive and strategic role for legitimacy.

The *third* being that the research emphasizes how legitimacy works as a reciprocal concept, that is, that actors may claim legitimacy but such claims must be recognized by relevant audience for legitimacy to be produced. Taking account of both sides of the legitimation process, the research addresses the gap between claims and responses. The thesis does not assume the role of norms and the normative explanations are seen as supplementary to realist and materialist explanations. Similarly, the thesis explains how international responses were enabled by the existing norms and beliefs, even if not necessarily driven by them. By removing the rigid separation of the different models of reasoning (security, instrumental and norms) enables studying interconnections and interplay between security, material/instrumental and/or normative factors.

A *fourth* contribution is that a constructivist account acknowledges shifts in the international responses, where same states may respond differently to similar claims at different points in time, for different reasons. It also highlights how and why similar claims made by two states are received differently and challenges the assumption that interests are exogenous and static to acknowledge and explain *how* and *why* interests may change.

A fifth contribution is an 'interactional account of legitimacy,' where legitimacy is generated out of an interaction that takes place at the different levels, namely: - (i) between intervening actor's claims and responses of the audience; (ii) how the actor and audience, individually, interact with the prevalent norms, values and ideas; and (iii) an interaction in between the norms and the ways norms reinforce each other.

In view of the theoretical framework employed to study India's case, a *sixth* implication is that it may be used in understanding, possibly predicting the nuclear behavior of states such as Pakistan that may perhaps employ similar strategies to acquire acceptance. Pakistani scholars are writing on how to learn from India in stepping outside 'narrow, strait-jacketed confines' to finding ways to seek and 'concentrate on seeking legitimacy for its nuclear status at the global level.' Suggesting that to achieve some degree of nuclear legitimacy 'a bilateral dialogue with the US is not the only path' and 'Pakistan needs to adopt a two-pronged approach towards gaining nuclear legitimacy through becoming part of the mainstream global arms control regime' to 'gain diplomatically from such a move' that 'does not require immediate acceptance of the country's nuclear status.'[947] Acknowledging a differential treatment for India, Pakistan's former Foreign Secretary and Ambassador to UN Shamshad Ahmad explained:

> Indeed, India may have struggled hard to win legitimacy and was a beneficiary of its role in a new changed world order. It is another matter that in Pakistan's view, it remains the victim of double standards, yet one accepts that Pakistan has been deprived of the treatment accorded to India through a country-specific waiver for supply of nuclear fuel and technology. It was ironic that the NSG, which was set up in response to the first act of nuclear proliferation in South Asia in 1974 and works on the basis of consensus, decided unanimously to reward the very country whose act of proliferation brought them together to prevent similar acts of future proliferation. [948]

Taking cues from India, a Carnegie report argues how Pakistan should 'shift its declaratory policy,' 'commit to a recessed deterrence posture' and 'separate civilian and military nuclear facilities.'[949] Other calls for an engagement with and to abide by non-NPT aspects, for example the Missile Technology Control Guidelines (MTCR) that is a 'Suppliers' Club arrangement where exporters of military and dual-use missile technology agree to refrain from this export. So while it does not impinge upon a country's own missile development it reassures the rest of the world that such a country will not aid in the proliferation of missile development.'[950] The strategy is to provide political assurance and to be seen in compliance with the regime's rules and guidelines to seek nuclear legitimacy.

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[947] Mazari, Shireen, 'From Non-Proliferation to Nuclear Stability: The Case of South Asia,' *The Defense Journal*, March 2000.

[948] Author's Interview with Former Foreign Secretary of Pakistan and Ambassador to United Nations, Shamshad Ahmad, Princeton, New Jersey, July 22, 2014.

[949] Dalton, Tony and Michael Krepton, *A Normal Nuclear Pakistan*, Policy Report for the Stimson Center and Carnegie Endowment for International Peace, 2015.

[950] Mazari, 'From Non-Proliferation to Nuclear Stability: The Case of South Asia.'

In highlighting a *seventh* contribution, the research may add to the growing literature on the nuclear order in terms of the limitations as well as possibilities for the kind of role that India is expected to play and the role that India is willing to play. It may also be relevant to try and predict the manner in which India will balance its desire to be an 'emerging nuclear supplier' (ENS) with the perception of a 'responsible nuclear state' (RNS). Another finding in this context relates to a growing international perception that India's future role in the nuclear order will be determined by how India engages in non-proliferation and disarmament efforts *beyond* the NPT. This may have further dented India's perception of the NPT by making it less significant in the eyes of the Indian government. The present thesis perhaps opens the avenue to study in future the role that India is 'expected and willing' to play in non-proliferation and disarmament efforts beyond the NPT and that may not necessarily mesh with what may be called the "abcd" of India's nuclear stance "ability, bomb, capability and desire." The future policy implications of this work may provide a normative explanation of the 'perceived carved out role' that India hopes to acquire and retain in a changing nuclear order, which may also require it to engage actively in multilateral disarmament and counter-proliferation efforts beyond the NPT.

In terms of some of the policy implications for India, the study can be used for future projects on the nuances and dilemmas of India's nuclear non-proliferation and nuclear policy and how India will be required to balance the role it is willing to play and the role it will be expected to play as a responsible nuclear power. In other words, there may a gap in the responsibilities that India will be expected to undertake and that India is willing to undertake as it carves a role for itself in the nuclear order. The present research can also be developed to highlight the underlying normative differences and difficulties between the pursuit of the goals of disarmament and the pursuit of goals of non-proliferation in a changing nuclear order. And that will hopefully shed light on the manner and extent to which methods, approaches and means to simultaneously achieve the two goals that of non-proliferation and disarmament in the context of capability and desire' of states will hinder or support the ongoing non-proliferation efforts and the international nuclear security framework. Further, the thesis hopefully at the very least, opens the door to appreciate and study in future, the interdependence between domestic nuclear legitimacy and international nuclear legitimacy for a state's nuclear program and policy.

A prevalent tendency is to view India's relationship with the nuclear non-proliferation regime primarily through the prism of India's bilateral relationship with the United States. Ambassador Chandra reaffirmed the 'perception that there is only one candidate to deal with'[951] and as Dr. Sethi also acknowledged that there is a widely shared belief 'the U.S. is the conscious keeper of non-proliferation.'[952] The thesis has shown how the bilateral relationship with the U.S was harnessed to gain access to the nuclear regime. However, the nuclear discourse between 1998-2008 also reveals that states beyond the U.S. also had to be convinced and engaged for India's nuclear reconciliation to be recognized as acceptable. Jaswant Singh, as former External Affairs Minister explained, 'although my post-1998 global engagement was accented as India-US engagement, that was not the case as I engaged with states beyond the U.S. This is because even though the U.S is perhaps one of the most powerful and rich nations, it is not the only repository of wisdom on non-proliferation and there were states that valued their normative stakes in the NPT based nuclear non-proliferation regime and that had to be met with and convinced.'[953] Perhaps, the process of reconciliation was initiated by the United States. However, it would not have been possible without engaging with the other states that were seen as key players within the nuclear regime.

A strategy to address proliferation concerns requires understanding nuclear negotiations and the interaction between an intervening state and the audience as well as how they interact with the prevalent norms and how norms interact with each other. There are significant scholarships that offer 'valuable insight into causes of proliferation'[954] or non-proliferation. However, they do not explain the outcomes of nuclear negotiations. This thesis hopefully sheds some light on how motivations can impact nuclear negotiations and the need to better understand the underlying motivations of nuclear aspirants or threshold states that may seek recognition as they assert their right to possess nuclear weapons. India's case may also offer insights into the ways in which non-proliferation commitments may be extracted and to ascertain the extent to which an intervening state may be willing to give in, until an agreement is reached.

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[951] Author's interview with Ambassador Naresh Chandra, Former Cabinet Secretary (1990–92), Former Indian Ambassador to the United States (1996–2001) and former Chairman of National Security Advisory Board (2013), at New Delhi, 4th January, 2013.

[952] Author's Interview with Dr. Manpreet Sethi, Senior Fellow, Head of the Nuclear Security Project at Centre for Air Power Studies, New Delhi, 19th December 2012.

[953] Author's Interview with External Affairs Minister, Jaswant Singh, 18th August'2012, New Delhi.

[954] Mistry, Dinshaw, *The US-India Nuclear Agreement: Diplomacy and Domestic Politics*, Cambridge University press, 2014, p.4.

The scope of the thesis is to highlight a two-sided legitimation process with a focus on the strategies employed on the Indian side and the international response on the audience side. Although, how India's case actually fits within the overall evolution of the nuclear order is something that the research will build upon going forward. However, to highlight some of the possible implications of India's case for the larger nuclear order, it might be suggested that the 'Indian proliferation problem' referred to explain India's possession of nuclear weapons outside the NPT—has become less of a problem in the eyes of several key payers in the nuclear non-proliferation regime on the audience side.

India is not seen so much of a challenge to, nor is India as such challenging the NPT based order, as evident in the shift in India's strategy from expressing unwillingness to displaying a disability to sign the NPT. India's normalization has emerged as an example of a state whose behavior, aligned with the existing norms, shared beliefs and rules that constituted a post- Cold War nuclear order. Moreover, the emergence of a threat from non-state actors and the problem of terrorism with the possibility of access to nuclear weapons is also an issue that has come to dominate the proliferation and international security debates.

India's strategy of mainstreaming into the non-NPT aspects has involved an endorsement of the existing norms and beliefs that constitute the social and cultural context, one that underlined and reinforces a NPT centric nuclear order. After all, Price aptly argues, such a socio-cultural context is cultivated and formed in part 'by the building of and compliance with institutions and norms like the NPT.'[955] India's claims and strategy of substantive compliance with the key principles of the NPT fits within this purview. On the other hand, securing an identity as a non-threatening member of international society is also one of the 'constitutive effects' of India's nuclear reconciliation process. Moreover, it is suggested that India's nuclear acquiescence on the Indian side, has become premised on an inherent and implicit acceptance that a modification of the NPT to include India as a sixth nuclear weapons state is neither possible nor acceptable to the majority of states, unlike the earlier Indian challenge drawing upon an inequitable NPT order.

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[955] Price, Richard, 'Nuclear Weapons Don't Kill People, Rogues Do', *International Politics*, vol. 44, p.243.

In this way, India's strategies of differential treatment post-1998 indicate an acknowledgement of the view that equal treatment in international relations does not necessarily entail same treatment. And possible allies and responsible states deserve to be treated differently. As a result an equally greater challenge that the NPT may face, beyond the one from non-NPT states, is of a similar dualistic behavior from emerging states such as Egypt, Brazil, Argentina, South Africa and/or threshold states that may decide to pursue the nuclear option alongside demonstrating behavior that aligns with, and reinforces a NPT centric normative structure.

The above, of course, is also not a new problem and 'relates to the unequal distribution of power between non-nuclear weapons states (NNWS) and nuclear weapons states (NWS)'[956] as well as the 'long-running dissatisfaction among many non-nuclear members of the NPT, especially in the developing world, regarding progress by the nuclear weapons states in their Article VI obligations 'to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.' '[957] A glimpse of discontent in recent times with 'the dramatic Egyptian walkout in May 2013 of the preparatory negotiations for the 2015 NPT Review Conference,' is one such example. And decisions are also likely to change if there were significant changes in 'the security environment or with a determined leadership.'[958]

In this regard, one of the significant moves that underline the post- Cold War nuclear order, as argued by Price in his insightful work, 'has been to remove the nuclear weapons themselves as the referent of threat and transfer it to particular potential possessors and users of the threat.' This has further created the normative space for arguments, strategies and 'discursive justifications supporting this move' and that further removes 'nuclear possession itself from the portfolio of relevant markers to be considered a legitimate state in good standing in international society.' [959] A move that surely enabled India in its process of nuclear reconciliation after the1998 nuclear tests.

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[956] Vieira and Zala, 'Rising Powers and Nuclear Proliferation: Could IBSA challenge the Global Nuclear Order,' in *New Perspectives on Global Nuclear Order*, BISA Global Nuclear Order Working Group Policy Paper 19th September 2012, p.18.
[957] Price, *'Nuclear Weapons Don't Kill People, Rogues Do'*, p.238.
[958] Paul, T.V. , *Power versus Prudence: Why Nations Forgo Nuclear Weapons*, Montreal: McGill-Queen's University Press, 2000, p.56.
[959] Price, *'Nuclear Weapons Don't Kill People, Rogues Do,'* p.243-244.

Moving forward: Challenges and Possibilities

India's desire to be seen as a justifiable, rightful, reasonable and suitable possessor of nuclear weapons was pursued by employing different strategies that included strategic and geo-political considerations, materialist incentives as well as normative evaluations. The different factors also interacted, influencing the international responses and culminating into the NSG waiver for India in 2008. India's desire to be perceived as a legitimate nuclear possessor went beyond a strictly 'legal' status sanctioned by the NPT that had seen little success. On the one hand, attempts to acquire a nuclear weapons status within the NPT or modifying the NPT was seen as a costly process, politically and diplomatically. The latter, given the strategic and normative stakes of other states, was viewed almost impossible to achieve. On the other hand, as the Indian government engaged with other states in the non-NPT realm, the option of signing the NPT as a non-nuclear weapons state was also not seen in India's interest and is an option that is ruled out.

The 'process of acceptance for India begin with the way other key states decided to respond and engage with India after 1998,' as the Australian diplomat succinctly stated 'and the NSG waiver is best understood as a ripple effect of that process.'[960] The thesis highlights this two-sided legitimation process explaining the Indian side and a response side. India's claims were also enabled by normative evaluations and ideational factors as much as realist and materialist factors prompted them. India's strategy in its quest for nuclear legitimacy can thus be seen as both goal seeking and at the same time norm-aware. This meeting ground of the logic of appropriateness and of consequence is described as a point of osmosis where a normative goal of nuclear legitimacy as a possessor was combined with strategies that produced favorable outcomes. Similarly, on the response side, a normative account and evaluation complements the realist/ materialist explanation and assigns an enabling role to norms and values that circumscribe rules of engagement and underline legitimacy judgments in as much as they made possible certain kinds of justifications and induced certain kinds of responses on the audience side. The two are not necessarily distinct and the thesis hopefully, tells the story of India's nuclear reconciliation after 1998 as a complex negotiation process underlined by interplay of norms and strategy.

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[960] Author's Interview with Richard Lennane Australian Foreign Service. Former Head, Implementation Support Unit, Biological Weapons Convention (BWC) at The Hague, on 1st September 2014.

Moving forward, India will be required to balance aspirations of becoming a 'nuclear supplier' that calls for a change of the NSG rules *with* a desire to be seen as playing by the rules-- that so far, accrued some benefits and success to India in nuclear negotiations. The story is far from over and the implications of an ongoing process of India's mainstreaming into different aspects of the nuclear order are yet to fully unravel. As India seeks NSG membership, there will be an increasingly shared expectation by other states in the international community about 'India's responsibilities in the context of disarmament thus moving beyond proliferation.'[961] Nevertheless, India's story sets in place a non-NPT path and precedent at the NSG, that Pyongyang, Tehran, Islamabad and perhaps other threshold states may seek to emulate, giving rise to new normative challenges in the nuclear non-proliferation regime. Whether one will see an emergence of a new equilibrium or a '21st century version of the NPT' [962] is to be seen and opens the avenue for taking the present research forward. However, to reiterate the remarks of former IAEA Chief Mohamed Elbaradei :

> The NPT can survive – has survived – without them. But I think ultimately that the non-proliferation regime will not survive without them.[963]

In conclusion, the essence of the nuclear order is a normative arrangement between states about the perceived relationship between nuclear weapons, nuclear technology, and 'international political power and behavior.'[964] This thesis has attempted to interweave these interrelated issues in the context of India's nuclear behavior, the interplay of normative, realist and materialist factors in international relations and the nuclear non-proliferation regime anchored in the NPT and the NSG. As the thesis concludes the two sided story of India's nuclear reconciliation as a non-NPT state, if the mixed report of India's success as a possessor of nuclear weapons leaves 'cause for optimism, it is that it is the nuclear-possession norm that is currently under threat, and not yet the more fundamental non-use norm.'[965]

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[961] Author's phone Interview with Mr. Michira Nishida, Deputy Director and Special Assistant for Disarmament and Non-Proliferation, Japanese Ministry of External Affairs, 18th December, 2014.
[962] Statement by Hillary Clinton at the United States Institute for Peace on October 21, 2009.
[963] Interview of Mohamed, Elbaradei, Curbing Nuclear Proliferation', Arms Control Association, October 1st, 2003. Available at: https://www.armscontrol.org/act/2003_11/ElBaradei_11#bio
[964] Dalton, Tony and Michael Krepton, *A Normal Nuclear Pakistan*, a Policy Report for the Stimson Center and Carnegie Endowment for International Peace, 2015.
[965] Clark, Ian, 'Setting the Revisionist Agenda for International Legitimacy,' *International Politics*, vol.44, 2007, p.32.

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