The U.S.-Indian nuclear agreement had its roots in India’s refusal to join the nuclear Nonproliferation Treaty (NPT) as a non-nuclear-weapon state. Neither the United States, by law, nor other members of the Nuclear Suppliers Group (NSG), under its guidelines, were permitted to engage in peaceful nuclear commerce with India. The Clinton administration began high-level negotiations with India after the United States imposed sanctions following India’s 1998 nuclear tests. Complicated preliminary steps led to the two countries’ July 18, 2005, joint statement, in which Indian Prime Minister Manmohan Singh pledged to take a series of actions to underscore India’s commitment to nuclear nonproliferation and U.S. President George W. Bush pledged to seek legislation authorizing full U.S. peaceful nuclear commerce with India and to press for changes in international regimes to permit other countries to do the same.[1]

To the possible surprise of both leaders, implementation of the joint statement required more than three years of legislating in the United States and politicking in India. On the U.S. side, the politics of the deal involved the executive branch, both houses of Congress, nongovernmental organizations, hired lobbyists, and diplomats around the world. On the Indian side, they involved statements to parliament, threats to the reigning coalition, and a very public dispute over whether one of India’s past nuclear tests was a “fizzle.” Today, more than nine years later, much of the expected nuclear trade between the two countries has yet to materialize.

Enter Dinshaw Mistry, an associate professor of political science at the University of Cincinnati and the author of a previous book on the Missile Technology Control Regime. In The US-India Nuclear Agreement: Diplomacy and Domestic Politics, Mistry has undertaken to chronicle the tortuous process by which the joint statement was developed and implemented, with particular attention to the role of domestic politics in India and the United States. He draws on declassified U.S. diplomatic cables; interviews with 40 participants in the process, including this reviewer; a thorough review of the public record, including the many news accounts, opinion pieces, speeches, and written statements that were part of the political process that he recounts; and other experts’ informed analysis of the process. Mistry has performed a singular service to those who follow U.S.-Indian relations or nonproliferation. At last, they have a place to go when they forget who did what to whom in this saga and when.

Readers may find the chapter “Getting to July 2005” especially interesting. Mistry describes the evolution of the nuclear agreement from an eventual goal for President Bill Clinton, if India first undertook major nonproliferation actions, to an immediate objective for which Bush, in his second term, was willing to set aside most nonproliferation concerns. Mistry recounts a process in which a small number of senior policymakers (plus an ambassador and a consultant) overturned existing policy by keeping the bureaucracy out of the discussions and unaware of months of negotiations.
This chapter is a case study in the ability of a determined president and his top advisers to move the ship of state in new directions. It also highlights the fact that when one country becomes intensely committed to a particular outcome in a negotiation, it may have to cede to the other country most or possibly all of the other policy points at issue.

Most U.S. readers will find much to learn in Mistry’s extensive discussion of Indian politics. Few of us who tried to follow events in India during this period were expert enough to know how particular news outlets were perceived politically, how Indian scientists divided on nuclear issues, and how much flexibility there was in the fractious parties that made up Singh’s coalition government, led by the Congress Party, and its opposition. Thus, it was clear that Singh’s statement to the Indian parliament on July 29, 2005, in which he stated that “[o]ur strategic policies and assets...will remain outside the scope of our discussions with any external interlocutors” and that “the Government will not allow any fissile material shortages or any other material limitations on our strategic programmes in order to meet current or future requirements,”[2] served to paint him into a corner and forced the United States to come closer to his position in subsequent negotiations on numerous points. It was less clear to many Americans whether these statements were made because of Indian domestic politics or for the purpose of improving his negotiating position vis-à-vis the United States. Mistry makes a strong case that Singh had no domestic leeway to make further concessions on U.S. nonproliferation concerns.

Mistry’s book generates great sympathy for Singh, the head of a minority government, who was pressed by his nuclear bureaucracy and the rightist parliamentary opposition on the one hand and by his anti-U.S. leftist coalition partners on the other. Singh had little choice but to take a hard line if he wished to maintain the nuclear deal and his government. The book provides a detailed account of not only the political arguments in India, but also the government’s many failed attempts to broaden its base of support for the agreement before it finally persuaded the regional Samajwadi Party (SP) to join its coalition in July 2008. SP support, which enabled Singh to press ahead with India’s safeguards agreement with the International Atomic Energy Agency (IAEA) despite leftist opposition, occurred for unrelated political reasons: the SP needed the Congress Party’s electoral help in the SP’s home base of Uttar Pradesh.

Despite the SP’s need for this help, the government had to ease the process along by saying that India would continue to have close relations with Iran, a move designed to keep the agreement from offending the SP’s important Shiite Muslim constituency. Thus, the price paid for Indian ability to implement this aspect of the July 2005 joint statement was India’s continued refusal to fully support the United States on a nuclear nonproliferation issue that was substantively and politically significant.

The chapters recounting the U.S. politics of the nuclear deal may prove less interesting to Americans. There are minor errors in the book—an official given an incorrect title here, a confusion between floor amendments and committee amendments there, a voting rule seemingly ascribed to political dealing but more likely the result of standing rules—that may be attributable to the fact that the book was published and printed in India, probably without benefit of an U.S. editor.

More importantly, despite Mistry’s far-reaching efforts, there are limits to his data. He can say how many meetings an ambassador or a group had with U.S. legislators, but he cannot readily determine which, if any, of these changed any minds. The same is true regarding the many press releases, hearing statements, and opinion pieces that the nuclear deal engendered. Occasional interviewees flagged something as influential, but they did not yield much information regarding changes in the frame of mind of important actors as the political process played out.

This reader would have appreciated more discussion of the way in which the 2006 and 2008 bills—the Hyde Act in 2006, which provided a mechanism for approval of a peaceful nuclear cooperation agreement with India despite the pact’s failure to meet the requirements of section 123 of the Atomic Energy Act, and the 2008 legislation that approved that agreement on an expedited basis before Congress adjourned—were shaped in the back rooms of Congress. What did members say to each other in the party caucuses? Was there ever any real doubt that Congress would support the nuclear deal? Was the process really about seeing how far Congress could press to include in the legislation its nonproliferation or anti-Iran policies without incurring blame for scuttling the
agreement, or was it more about members’ views of Bush and his willingness to put Congress in a difficult position? Did witnesses at hearings present new ideas that made a difference, or were they invited for the purpose of providing talking points to one member or another, who had already formed his or her views based on information from other sources? Did the committee reports contain any useful insights or statements of intent? Which amendments were proposed with a sincere hope of success, and which were proposed more for making a record of the member’s concerns?

The book is a most welcome account of formal actions, but it rarely penetrates to the informal and personal level. Perhaps this research was undertaken too soon after the events for the participants to tell the story with the candor and detail that one might wish.

Mistry’s analysis is grounded in the theory of two-level games, which emphasizes the complexity of situations in which a negotiator must juggle the need to reach agreement in a formal negotiation—with another country or with another economic actor as in labor-management negotiations—and the need to obtain ratification of that agreement by the negotiator’s own institutions. The latter need is expressed in the formal negotiation by each side’s “win-set,” that subset of the range of possible outcomes for which the negotiator can secure the needed ratification. Mistry discusses the U.S.-Indian negotiations within that construct, but it does not provide much in the way of new insights or clarity, perhaps because political leaders rarely analyze their actions in as complex a manner as mathematical theories would posit. Bush, at least, appears to have gone step by step, focusing now on India, now on Congress, now on the IAEA or the NSG. There is little to suggest that he allowed concerns about congressional reaction to limit his choices.

The Nuclear Deal in Practice

Formal constructs aside, The US-India Nuclear Agreement certainly underscores the alacrity with which the Bush administration changed the ground rules for dealing with India’s nuclear program. What resulted from that bold step? Was a new partnership forged between India and the United States? Were international nonproliferation norms dealt a crippling blow?

It is too early to give firm answers to those questions, although the opening to India certainly has not produced all the benefits that U.S. officials initially promised. Nicholas Burns, a chief negotiator of the nuclear deal as U.S. undersecretary of state for political affairs, recently criticized President Barack Obama for an India policy that he termed “currently adrift.” Burns went on, however, to call India “a difficult and sometimes disputatious friend” and “an irresolute supporter of U.S. efforts to thwart Iran’s nuclear ambitions.” He added that “Obama would be within his rights to ask [Indian Prime Minister Narendra] Modi to repeal India’s discriminatory nuclear liability law, which scuttled the historic” nuclear deal. Burns could have added that it took India six years to ratify its safeguards agreement with the IAEA and that India has yet to adhere to the Australia Group guidelines regarding exports of chemical and biological materials and technology, despite what U.S. officials thought was an informal assurance of prompt action in 2005.

India reduced its oil purchases from Iran, and the various Iran-to-India gas pipeline projects that were in play a decade ago still are not making significant headway. India’s improved naval cooperation with the United States in recent years is a net plus for nonproliferation efforts, despite India’s refusal in the 2005 negotiations and since then to join the U.S.-sponsored Proliferation Security Initiative.

U.S. arms sales to India were expected to benefit from the nuclear deal, and to some extent, this has happened. India is currently the world’s largest importer of arms and is the largest customer for U.S. arms as well; the United States has sold helicopters, transport planes, and maritime patrol aircraft to India. Yet, India rejected U.S. bids for two major arms sales, of fighter jets and most recently anti-tank missiles. In part, this reflects India’s effort to acquire advanced foreign technology, which the United States is not as willing to share as other countries are. It may also reflect India’s desire not to depend on the United States to the detriment of such traditional suppliers as Russia and Israel.

The record of arms sales since 2005 suggests that the nuclear agreement did not prompt many sales due to gratitude from India. The agreement was more likely seen in India as a U.S. attempt to right a long-standing wrong, surely nothing more and perhaps something less than India deserved.
It is more difficult and likely too soon to say whether improved U.S.-Indian ties as a result of the nuclear deal are making India a bulwark against China. Occasional incidents on India’s border with China remind India that those two countries are competitors for influence in Asia, but India chooses not to make that competition a formal one or part of a U.S.-Chinese conflict. Modi’s recent outreach to Japan suggests that “not made in America” Indian initiatives can serve common U.S. and Indian objectives. The statement released during Modi’s visit with Japanese Prime Minister Shinzo Abe declared a shared interest in maritime security and a decision to “upgrade and strengthen” defense relations. It welcomed Indian-Japanese Coast Guard maritime exercises and trilateral exercises with the United States.

The impact of the U.S.-Indian nuclear deal on other countries, especially Pakistan and China, was notable and unfortunate. Pakistan focused on the risk that India would use imported uranium to fuel its safeguarded reactors, freeing up its limited domestic uranium supplies to fuel its unsafeguarded reactors and increase its fissile material production. Pakistan and China then announced plans to build more nuclear reactors in Pakistan, despite previous promises by China to the NSG. China claimed that the new plants were grandfathered by an existing agreement with Pakistan, but other countries and outside experts found that claim difficult to credit. Pakistan also blocked consideration of a fissile material cutoff treaty in the Conference on Disarmament, and Mistry cites a Pakistani suggestion that Islamabad might reconsider its stand if there were a U.S.-Pakistan nuclear deal analogous to the U.S.-Indian one. Whether the U.S.-Indian nuclear deal was a direct cause of the Pakistani and Chinese actions or merely provided a rationalization for them, the developments were detrimental to regional security and the world’s ability to stem nuclear proliferation.

India reportedly may increase its fissile material production in response to Pakistan’s actions, perhaps by using domestic uranium that is freed up by fueling its safeguarded reactors with uranium from Australia, which recently signed its own nuclear cooperation agreement with India. Mistry makes an interesting case, however, that India could increase its fissile material stockpiles without using more domestic uranium.

The U.S.-Indian agreement is not the only factor moving Pakistan and India toward increased nuclear weapons production. Pakistan appears to be reacting to India’s alleged “Cold Start” military strategy for mounting a limited but devastating conventional attack on Pakistan with little or no warning. India may be reacting to Pakistan’s efforts to develop and field tactical nuclear weapons that would be under the control of field commanders.[7] The nuclear elements of the Indian and Pakistani armies are highly professional, and they have taken these steps without engaging in much bellicose rhetoric. Still, these developments could be part of a slow-motion arms race that will leave Pakistan more reliant on and India more attentive to nuclear posturing and war-fighting capabilities. It is difficult to see how this will benefit either country, let alone the United States.

From the standpoint of U.S. policy, this situation underscores the need to help India and Pakistan settle their disputes peacefully, thereby reducing their desire for more nuclear weapons. That is in keeping with the realist school of thought, which has always viewed nonproliferation as a stopgap effort, buying time in which to address the underlying causes of countries’ aspirations to nuclear weapons development. If the United States wants to encourage serious Indian-Pakistani dialogue and confidence-building measures, it might consider that the current Indian government, led by the Bharatiya Janata Party, has more parliamentary support than any in decades.

Modi might have more leeway to make conciliatory gestures toward Pakistan because he heads a Hindu nationalist party that led the government that approved India’s 1998 nuclear tests. In Mistry’s terms, Modi’s win-set when negotiating with Pakistan might be larger than was the case for previous Indian governments. Finding a Pakistani government with broad leeway to be conciliatory toward India will be more of a challenge unless the issue is one on which Pakistan’s military agrees that a peaceful solution is needed or on which India is unusually sympathetic to Pakistani concerns.

**Reactions Beyond South Asia**

Other countries have noted the U.S.-Indian nuclear deal, including Iran and North Korea. The U.S. willingness to give India the benefits that accrue to an NPT signatory, although India has remained
outside the treaty and built a nuclear arsenal, sends an interesting message to other nuclear outliers and to the rest of the world. In a way, it is a message of hope, that eventually all states that build nuclear arsenals will find international acceptance and status. Yet, it can be interpreted, fairly or not, as an indication that U.S. nonproliferation efforts are not an expression of sincere concern, but only a smoke screen for rewarding its friends and punishing its enemies.[8] The nuclear deal has not helped the cause of nonproliferation.

That said, accusations of hypocrisy directed at the United States are nothing new. Much of the world thrives on them, and this is merely one more in a long list. So far, other countries, with the exception of China and Pakistan, as noted above, have not cited the agreement as an excuse for specific acts that are counter to international nonproliferation norms. The lingering suspicions likely make it more important, however, for the United States to justify with some specificity its nonproliferation requests of others. There is perhaps less willingness than before to take U.S. sincerity on faith. That can be a problem when the U.S. requests are part of a time-sensitive interdiction effort and involve a loss of commerce or a risk of backlash for the state whose help is needed.

Another risk is that other countries will conclude that the United States is inherently hypocritical when it comes to nuclear commerce, that Washington really sees such commerce as more important than nonproliferation. The long battle within the U.S. government over whether to require other countries to renounce domestic uranium enrichment and spent fuel reprocessing in their peaceful nuclear cooperation agreements with the United States has been similarly detrimental to the image of U.S. nonproliferation leadership. This is so even though the United States recently secured a legally binding commitment from Taiwan and nonbinding preambular language from Vietnam to refrain from enrichment and reprocessing.

There have been many successes in the effort to stem proliferation, including the development of international treaties and institutions to combat it and the decisions of many countries to reject or give up efforts to develop weapons of mass destruction, as well as stockpiles accumulated through those efforts and the equipment that makes them possible. Nonproliferation, however, is one of those never-ending challenges, like counterterrorism and the fight against infectious diseases. The ability and the temptation to develop weapons of mass destruction are endemic now in most of the world. For a policymaker, the message from nonproliferation experts sounds like a nagging relative: “What have you done for me lately?”

In The US-India Nuclear Agreement, Mistry shows how strategic optimism triumphed over such naysayers as Americans who worry about nuclear proliferation and Indians who worry that foreign pressures will lead to gaps in India’s nuclear weapons program. If one wants policymakers to give greater weight to nonproliferation concerns, one must create an optimism about nonproliferation that will stand up to such competing optimisms as “a new strategic direction” and “more jobs for Americans.” Whether the challenge is sanctions fatigue, Russian rejection of further nonproliferation assistance, or another country falling off the nonproliferation wagon, the task for those who care about nonproliferation is not to win battles against presidents, but rather to design more positive and practical nonproliferation initiatives, programs that an optimistic president would be proud to include in his or her autobiography.

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ENDNOTES


