

Global Nonproliferation Dynamics: An Indian Perspective

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Abstract

Trends in global nonproliferation have been experiencing a dramatic transformation even as the nuclear nonproliferation regime and its treaties and protocols have come under severe stress. Regional nuclear proliferation trends have been covert in the dimension of clandestine and commercial proliferation due to the lax export controls of several states. Despite recent multilateral initiatives and the reinforcement of prevalent treaties like the NPT with Additional Protocols and Resolutions like UNSCR 1540, the noncompliance and clandestine proliferation trends by member-states like North Korea and Iran have been strong. This has been aggravated even more by the penchant of terrorist groups attempting to gain access to technology and fissile material. The focus on the new dynamics of proliferation is quite evident in the rampant and covert activities of nuclear entrepreneurs and proliferation networks of the A.Q.Khan network. The covert trade and transfer of fissile materials and relevant technology are significant. This presentation will assess a) the global trends in nonproliferation and proliferation from an Indian perspective; b) the state of India's national efforts in nonproliferation and its role in the global nonproliferation dynamic; c) Indian perspectives of its role and participation in proactive global initiatives vis-à-vis global regimes.

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India's response to the evolving global order in the nonproliferation regime has been a nuanced approach. It has firmly rejected the discriminatory slant of the global nonproliferation treaties but has always adopted a cooperative stance toward the nonproliferation regime *per se*, even when it has not been a member of major international nuclear initiatives. The basis of this nuanced approach reinforces India's credentials as a responsible stakeholder in global security, while balancing the crucial national interests of its nuclear security in its neighbourhood. India's neighborhood is awash with vertical and horizontal proliferation by China. Pakistan, aided by China, has been the hub of rampant covert proliferation by the A.Q.Khan network. Pakistan has emerged as an important actor in the nuclear import-export commerce, which has several retailing initiatives with Iran, North Korea and Libya.¹⁶

India's committed stance as a responsible stakeholder in the nonproliferation regime has emerged despite the proliferation siege characterized by asymmetric conflicts, regional instability; '*a failing state with nuclear weapons-Pakistan*' and an A.Q Khan Inc- nuclear '*Walmart*' supply chain of technologies, expertise components and its sub-assemblies.

India's conduct in the nonproliferation terrain represents the natural and classic example of how a rising power, with its growing economic and industrial capabilities, is blocked indiscriminately by a treaty.

India's opposition to treaties and regimes has thus been based on enunciating its strategic autonomy as an independent and rising power of the middle order. India's strategic autonomy

¹⁶ A good analysis of the proliferation networks and the systemic consequences are in the strategic dossier report *Nuclear Black Markets: Pakistan, A.Q. Khan and the rise of proliferation networks: A net assessment* (London, UK, : International Institute of Strategic Studies May 2007) also see the excellent analysis of Chaim Braun and Christopher Chyba, "[Proliferation Rings: New Challenges to the Nuclear Nonproliferation Regime](#)," *International Security* 29, no. 2 (Fall 2004), 5-49.

A good analysis on the systemic model of proliferation system in Pakistan is outlined by Bruno Tertrias (2007) "Not an "Wal-Mart, but an 'Imports-Exports Enterprise': Understanding the Nature of the A.Q.Khan Network" *Strategic Insights* Volume VI Issue 5 August 2007 accessed at < <http://www.ccc.nps.navy.mil/si/2007/Aug/tertraisAug07.asp>> accessed on 21 April 2008

necessitates that it resist international regimes that constrain the development of its capabilities.

¹⁷ India's defensive response to weaponize was geared towards addressing the relentless efforts of China's strategic modernization, as well as Beijing's horizontal proliferation that enabled Pakistan to gain symmetry in nuclear capabilities vis-à-vis India as a means of addressing its perpetual conventional military asymmetry¹⁸.

International treaties and regimes are inherently inflexible, predicated on the interests of great powers who are determined to block the rise of new powers. Great powers are averse to systemic changes in the international order that witnesses the rise of new powers and the decline of status quo powers. Hence, their strategic conduct has always been to impose status quo oriented treaties with a heavy discriminatory slant to thwart the rise of new powers.

The global nonproliferation regime, being a corpus of various treaties, is indeed a viable framework for addressing proliferation concerns. However, the Nonproliferation Treaty's (NPT) heavy discriminatory slant has led to India's non-acceptance. Among the three states that were the hold-outs on the NPT – India, Israel and Pakistan – India and Israel are regarded as anti-proliferationist. India could have violated some norms to acquire nuclear arms. Yet, India has been a responsible nuclear weapons power that has desisted from proliferation and has refused all inducements to transfer nuclear technology to other states¹⁹.

India embodies the best model of a responsible code of conduct with regard to proliferation and export controls through its own self-imposed norms and regulations. *The*

¹⁷ T.V.Paul (1998) "The Systemic Bases of India's Challenge to the Global Nuclear Order" *The Nonproliferation Review* Vol: VI No:1 Fall (Monterrey: Center for Nonproliferation Studies, Monterrey Institute of International Studies)

¹⁸ T.V.Paul (2003) Chinese-Pakistani Nuclear/Missile Ties and the Balance of Power " *The Nonproliferation Review* Vol: X No:2 Summer (Monterrey: Center for Nonproliferation Studies, Monterrey Institute of International Studies)

¹⁹ Rajesh Rajagopalan (2006) *The State of the Nuclear Nonproliferation Regime DPG Monograph* (New Delhi: Delhi Policy Group)

Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 is a sufficient code for India's nonproliferation commitment²⁰.

India regards itself as a “domestic proliferator”, not an international proliferator, by making a distinction between vertical and horizontal proliferation.²¹ India completely rejects the NPT and the CTBT because they are discriminatory: they permanently freeze the nuclear haves and have-nots. India insists that this approach is partial and does not advocate the process of nonproliferation. A viable nonproliferation process would require a comprehensive, universal, and non-discriminatory multilateral treaty like the Chemical Weapons and Biological Weapons Convention.

The Efficacy and the changed relevance of the global nonproliferation environment

India's stand and affirmation of the importance of global nonproliferation have been unequivocal. The global nonproliferation agenda is mired in the contention between the unilateralists and multilateralists. While the clear and present dangers of asymmetric threats and their consequences demand unilateralist and preemptive approaches, the imperative for multilateral diplomatic negotiations and engagement is equally important. India's evolving stand is now to enunciate its own counterproliferation strategy to contend with three sources of critical threats: a) the relentless Chinese modernization and proliferation concerns; b) Pakistan's posture of

²⁰The Weapons of Mass Destruction And Their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 < <http://www.meaindia.nic.in/actsadm/30aa08.pdf> > accessed on 21 April 2008.

²¹ A good argument is made in Seema Gahlaut (2006) *India and the Nonproliferation Regime* in Subrata K.Mitra & Bernd Rilli *India's New Dynamics in Foreign Policy Studies and Comments No.4* (Munich: Hanns Seidel Stiftung)

“conventionalization of nuclear weapons” and aiding Jihadi terrorism; c) the persistence of the Khan network and their access to various terror groups operating from Pakistan against India.

The second issue in the global nonproliferation dynamic is the challenge of proliferation prevention. Proliferation prevention is influenced by two contrasting world-views. The emergent world order posits an increasing scope of international anarchy governed by mutual self-interest, tactical alliances and military strength—essentially a political realist world that depicts the dynamics of how status quo powers and rising powers contend and wield their power to maneuver to reposition their strengths and capabilities. The contending and contrasting view is one of expanding security communities centered on cooperation, common values, conflict-resolution mechanisms and arrangements to manage armaments²².

India’s preference has always been for multilateralist consensus since the formative years of its foreign policy. But India had to change the track given the rapid deterioration of the multilateral nonproliferation consensus in regard to disarmament and nuclear testing. The soberness of the proliferation environment in South Asia and India’s neighborhood has constrained it to adopt the realist consensus of repositioning its power and capabilities in defense of its national interest and strategic autonomy.

India’s nuclear neighborhood in South Asia, the Middle East and the Indian Ocean is complicated by proliferation concerns of state actors, non-state actors and the clandestine maritime transit of weapons of mass destruction. India’s challenge is to focus its diplomatic and strategic resources to address the multi-modal complexity of the situation.

The third issue of global nonproliferation regimes is that despite their reliance on universality and non-discrimination, they are plagued by the tragedy of non-compliance. Instead,

²² John Simpson: The Nuclear nonproliferation regime: back to the future? *Disarmament Forum: Strengthening Disarmament and Security* Issue 1 2004 (Geneva:UNIDIR)

the new nonproliferation language in the post-cold war period and the age of asymmetric conflicts dichotomizes states into the spectral politics of ‘us and them’.

The new typology is subjective on being “good proliferators” and “bad proliferators”, with attributions to the motivations and causal factors leading to proliferation, rather than the act of proliferation itself.²³. Thus, value judgments have replaced the norms of nonproliferation. India is a classic case of how transformed geopolitical and geostrategic conditions have enhanced its position as a ‘responsible power’, given its strong economic and industrial growth and growing strategic capabilities leveraged to be an indispensable pillar of the Asian balance of power to contend a rising and challenging China. The U.S. recognition of India as a responsible power with nuclear energy and nuclear weapons vindicates the Indian stance.

The Clinton administration’s policy, however, was to contain and roll back India’s nuclear program and reward China, due to its strong pro-China inclinations. By contrast, the present Bush administration has duly recognized the principled adherence of India to the nonproliferation regime and opposition to the discriminatory slants of the Nonproliferation Treaty. This shifting stand etches clearly the ‘high’ politics of proliferation. India could thus anticipate the downside in the future of being contained once again when its power capabilities rise to a new zenith. India could hence go through a roller-coaster ride in the nuclear world in the light of its past discrimination-rollback, to the present engagement, and then reversed to be a future target of containment.

The fourth issue in the nonproliferation discourse is the attempt to inject new language and interpretations into the traditional debate of nonproliferation that was based on multilateral

²³ William C.Potter (2005) India and the New Look of U.S.Nonproliferation Policy, *The Nonproliferation Review* Vol. 12 No.2 July; An elaborate analysis is made in Joseph Cirincione (2004) A Global Assessment of Nuclear Proliferation Threats *Issue Paper No.10* (Stockholm: Weapons of Mass Destruction Commission) accessed at <<http://www.wmdcommission.org/>>

institutional strategies²⁴. The glossary of counter-proliferation and proliferation prevention, proliferation pre-emption, etc, has generated a new strategic milieu leveraged on an international environment that is besieged by new conflicts. The new glossary has substantially eroded the multilateralist consensus on nonproliferation. Unilateralism asserts that the traditional multilateral non-proliferation tools have lost relevance and effectiveness to handle emerging proliferation challenges²⁵. How a strategy of preemption could be deployed, with what negative security assurances should it be accompanied by, and how this could be targeted against new nuclear states, raises new apprehensions.

The fifth issue that challenges the global nonproliferation regime is the complexities in the verification process and the increasing stealth of intentions and capabilities of state and non-state actors in camouflaging their activities.²⁶ The challenge emerges from the *timely detection of research, development and manufacture of new nuclear devices*. It poses monumental challenges to verification because of the illicit production and fabrication of nuclear fissile materials and chemical / biological devices in remote locations, as well as specially designed facilities buried several meters underground. The emergent technologies, however, endeavour for random search and challenge on-site inspections and the employment of aerial monitoring through a co-operative open skies inspection regime, as well as from vast sources of satellite

²⁴ Op.cit Simpson; also see Scott Parish & William Potter(2005) Nuclear Threat Perceptions and Nonproliferation Responses: A Comparative Analysis *Issue Paper No.36* (Stockholm: Weapons of Mass Destruction Commission) accessed at <<http://www.wmdcommission.org/>>

²⁵ A detailed analysis is evident in Michael J.Arinello (2005) National Security Strategy of Preemption *USAWC Strategy Research Project* US Army War College, Pennsylvania March 2005; Robert S.Litwak The New Calculus of Pre-emption *Survival* Volume 44 No.4 Winter 2002-2003.

²⁶ Trevor Findlay (2004) *Verification and Compliance: The State of the Play* Report prepared for the Weapons of Mass Destruction Commission (Stockholm: Weapons of Mass Destruction Commission) by the Verification Research, Training and Information Centre: London) accessed www.vertic.org/assets/No19.pdf

imagery. These have, to an extent, reduced the risks and increase the costs of such activities for an actual or potential violator. However, it is a daunting verification challenge to completely guarantee the detection of such violations.

India has to contend with the serious, daunting task of monitoring the clandestine activities of the Jihadi groups in Pakistan in their pursuit of WMD technologies and materiel for the fabrication of weapons. The prospects of such nightmares are more evident in a possible post-Musharaff era, when India would have to directly contend with the Jihadi control of WMDs and the systemic collapse of the Pakistani nuclear estate. The verification challenge would grow even more complex with the remnants of the Khan network reviving their energies and collaboration with the Jihadis²⁷. Despite the new democratically elected government in Pakistan, there are serious loopholes in the security of fissile materials.

The sixth issue in that the efficacy and relevance of the global nonproliferation mechanism is challenged by the 'break out' problem. Verification and monitoring techniques and associated technologies are for the prevention of breakout problems. Breakout problems would be highly destabilizing when a state or non-state actor determines to reveal and demonstrate willingness to use the weapon.²⁸

The challenge of the breakout problem by the state or the non-state actor (or a conjunction of the two) would depend on i) the state of readiness and deliverability of the purported weapon(s); ii) the scope of the relative conventional military strengths of the violator(s) (state and non-state actors) and the capabilities of the rest of the international community

²⁷ Alexander H. Montgomery (2006) Proliferation Networks in Theory and Practice *Strategic Insights* Volume V Issue 6 July 2006 accessed at <http://www.ccc.nps.navy.mil/si/2006/Jul/montgomeryJul06.asp> on 21 April 2008

²⁸ See Trevor Findlay (2006) Verification and the Nuclear Non-proliferation Treaty *Bulletin 27* Imagining a Nuclear Weapons Free World (Ottawa: International Network of Engineers and Scientists against Proliferation) accessed at < <http://www.inesap.org/bulletin27/art20.htm> >

combined; iii) the extent of concerted action and the willingness of the international community to respond; and, iv) the relative effectiveness of any defences against whatever delivery system the violator might try to use²⁹. The state of proliferation networks and its alliance with the Jihadi groups in Pakistan remains highly covert. While there has not been any sign of a breakout problem, the imminence of such a challenge would emerge from a systemic collapse in Pakistan. India's critical challenges of monitoring and verifying the breakout challenge of the Jihadis in Pakistan and assessing of the quantum of the threats would be a critical test of its verification and intelligence capabilities.

The seventh issue is that the global nonproliferation regime faces the challenge of the effectiveness of the multilateral consensus on regional proliferation challenges and the diligent pursuit of compliance. The chinks in the armour of the global nonproliferation regime are the doubts about the continued viability of compliance and how effective compliance has worked in this regard. To what extent could the current mechanism detect, verify and enforce measures to provide compliant parties with the opportunity to convincingly demonstrate their compliance? However, this does not apply to violent non-state actors, and how much the effectiveness applies to states like North Korea and Iran would have to be addressed³⁰.

The derivative task of compliance is the detection of non-compliance. What measures have to be taken to mitigate the challenge? How can we deter other parties that would be tempted not to comply? These daunting challenges are all complicated by the discriminatory approach of the nuclear weapon states that have helped in the proliferation dynamic.

²⁹ Kenneth Boutin (2004) "93+10 Strengthened Nuclear Safeguards: A Decade On" *Vertic Brief* 2 April 2004 (London: Verification Research, Training and Information Centre) accessed <http://www.vertic.org/assets/BP2_Boutin.pdf> accessed on 21 April 2008

³⁰ Bharat Karnad, James Foley and Abbas William Samii (2007) Nukes in the Balance-The Effects of proliferation on regional security *Janes Intelligence Review* July 01 2007 accessed at <<http://www.jir.janes.com>>

The efficacy of the global nonproliferation regime relies on the basis of effective verification; viable monitoring mechanisms; techniques and technologies used; the credibility of the compliance arrangements and, most important--the political and strategic environment in which the treaty operates.

India's autonomy of action in ensuring the defensive interests of its nuclear weaponization and preserving its civilian nuclear programme as an asset of its overall energy security is indispensable. The daunting weakness of the global nonproliferation environment is non-compliance by its members: the 'breakout' possibilities of clandestine nuclear weapon programs have served to challenge its resilience.

The New Contexts of Proliferation: States, Non-State Actors and their covert Operations.

India's second set of concerns emerges from the singular impact of 'proliferation rings': networks that have rampantly proliferated, exploiting lax export controls and often at the connivance of the state actor. The serious concern and threat is how asymmetric actors have developed their matrices of *motivations-intentions-capabilities-opportunities* with regard to weapons of mass destruction.

The new contexts of proliferation have emerged from the 'proliferation rings' and the new state actors in the global proliferation theater that have a brinkmanship agenda.

Proliferation networks could be defined as the exchange of nuclear weapons-related and missile technologies and other WMD among several developing countries that are covert and latent, eroding their commitments to cut themselves free from the existing nonproliferation regime³¹

³¹ A good definition is made by Chaim Braun and Christopher Chyba, ["Proliferation Rings: New](#)

The *modus operandi* has been through three avenues:

Latent Proliferation: The development of indigenous capability through selective collaboration:

First-tier Proliferation: The process of direct sale / theft of technology or material from private companies / state nuclear programs for non-nuclear weapons illegally³²; WMD / Nuclear technology or material sold or stolen from private companies or state nuclear programs assists non-nuclear weapons states in developing illegal nuclear weapons programs and delivery systems through the following ways: i) Sustaining first tier proliferation members Iran, Libya, Malaysia, Pakistan, South Africa, Turkey, and other nations; ii) transactions between them and new aspiring states in latent style; iii) Effective supply-side partners in the transfers / sales of WMD / nuclear technologies to non-nuclear states; iv) the role of nuclear entrepreneurs and logistical agencies in covert transfers through land-sea-air transfers and transits; v) Preferred transfers have been predominantly the maritime domain under the guise of dual-use cargo- false end-user certificates, and the exploitation of flags of convenience maritime transportation.

Second-tier Proliferation: Developing states with varying technical capabilities trade capacity and technology building among themselves to bolster one another's nuclear and strategic weapons efforts³³. Members of the second-tier proliferation face international opprobrium for their policies and clandestine WMD activities, and hence build convergent synergies for their optimal benefit. DPRK, Iranian, and Libyan uranium programs and other national programs are

[Challenges to the Nuclear Nonproliferation Regime](#)," *International Security* 29, no. 2 (Fall 2004), 5-49

³² *ibid* Braun & Chyba

³³ Alexander H. Montgomery (2006) Proliferation Networks in Theory and Practice *Strategic Insights* Volume V Issue 6 July 2006 accessed at <http://www.ccc.nps.navy.mil/si/2006/Jul/montgomeryJul06.asp> accessed on 21 April 2008

second-tier proliferation activities centered on Pakistan. The dynamics of second-tier proliferation of nuclear technologies, weapons designs, and delivery systems have strong interactions with latent and first-tier proliferation, while rampant clandestine second-tier proliferation trends indicate the rapid erosion of global non-proliferation controls. The erosion of NWFZs, characterized by indigenous manufacturing bases, increases the disconnect between first tier suppliers and the mutual reliance on their respective strengths in technologies.

The second context is the role of violent, cataclysmic, non-state actors like Al-Qaeda, Hezbollah and LeT in the escalation spiral of the India-Pakistan and similarly in the Israel- Iran contexts.

Violent non-state actors with nuclear ambitions have strong political objectives that seek to establish regional and /or global supremacy; advocating the destruction of the modern state system through unconventional warfare including the use of weapons of mass destruction (WMD).

The role of the proliferation networks and the A.Q.Khan Inc 'nuclear Walmart' rings enhance the risk of the spread of the technological knowledge and materials to the groups. This creates a very serious challenge of ensuring regional stability since the task is the prevention of proliferation³⁴. In the case of Pakistan, the proliferator is the state and its incorporated agencies.

The trigger roles of the violent non-state actors in regional conflict are quite evident in Indo-Pakistan relations and in the Middle East, with Pakistan having emerged as the crucial knowledge base and transshipment hub of clandestine nuclear networks of A.Q.Khan Inc that facilitates state and violent non-state actors.

³⁴ David Albright & Corey Hinderstein (2005) Unraveling the A. Q. Khan and Future Proliferation Networks *The Washington Quarterly* Vol.28, No.2, Spring 2005

The violent non-state actors of the Hezbollah in Lebanon; the ISI trained jihadi groups *Lashkar-e-Toiba*, *Jaish-e-Muhammed*, *Harkat-ul-Mujahideen*, *Markazdawa*, *Dawat-ul-Irshad*, *Taliban*, al-Qaeda's *International Islamic Front*, and a dozen of other groups have defined matrices of *motivations-intentions-capabilities-opportunities*. There is an increasing proclivity of these groups to use possible weapons of mass destruction. The probabilities are high in terms of motivations and intentions, though the capabilities and opportunities do not exist at the moment.

States like Iran and North Korea with aggressive nuclear agendas vigorously advocate equipping violent non-state actors with a variety of conventional weaponry. North Korea's clandestine trade of conventional weapons to terror groups and money laundering operations are quite well known.

The South Asia and Middle East scenarios are replete with evidence of a triggered Low Intensity Conflict that could have escalatory consequences on state-to-state nuclear /WMD exchanges with the real possibilities and high risks of nuclear weapons or radiological devices being compromised into the hands of the violent non-state actors.

Pakistan is also a "dissatisfied state". Its boundaries are now hemmed with extra-regional forces that have potent intervention capabilities. The presence of US and the Western naval and air forces in the vicinity posits a high indication of Pakistan as a state with failing governance structures with the custody of nuclear weapons and its associated technological-industrial complexes³⁵. Nuclear weapons to Pakistan would not only be a deterrent, but also a capability that would be used for regime survival; a bargaining chip for continued international economic

³⁵ Though the recent elections in Pakistan in February 2008 seem to assure the world that this possibility is remote; yet the nexus between the military and the ISI and the ever-strong presence and role of Jihadi groups cannot fully rule out this contingency.

largesse, and, most importantly, a potentially usable battlefield weapon. Pakistan emphasizes the greater operational deployment of nuclear warheads³⁶.

India as a post-proliferation state stands out as an exception given its democratic constitutional system, the established and reinforced lines of civil-military relations, and the primacy of the political-bureaucratic structures and interests in controlling the military and the science and technology elite. The physical structures of control are in place and have always been the basis of stability in conditions of peace and war.

China's advertent proliferation role: The second tier proliferation by Pakistan, North Korea and Iran has been solidly abetted by China. China's role and trade in weapons of mass destruction has been the singular proliferation dynamic that has resulted in the rapid missile and nuclear proliferation of the three countries³⁷. Chinese proliferation dynamics have been clearly documented and are quite evident.

The western nonproliferation community has always been criticizing India for being the gatecrasher into the nuclear weapons states club in 1998. In fact, several reports that have come out in recent times seem to point the accusatory finger on India, conveniently and deliberately

³⁶ An elaborate and detailed assessment is in Ashley Tellis 2004, South Asia in Report of the IISS-Eisenhower Foundation Conference on "New Proliferation Challenges: Dealing with Hard Cases and Strengthening the Regime" (London, U.K.: International Institute of Strategic Studies) May 2004 accessed at http://www.eisenhowerseries.com/pdfs/final_04/Nonpro.pdf

³⁷ J. Mohan Malik 2003 The Proliferation Axis: Beijing-Islamabad-Pyongyang *The Korean Journal of Defense Analysis* Vol. XV, No. 1, Spring 2003, pp. 57-100
Shirley A. Kan, *China and Proliferation of Weapons of Mass Destruction and Missiles: Policy Issues* (Washington, DC: Report for Congress, Congressional Research Service, Dec. 4, 2002), available at <http://www.fas.org/spp/starwars/crs/RL31555.pdf> accessed on 21 April 2008 ;
Gaurav Kampani (2002) Second tier Proliferation: The Case of Pakistan and North Korea *The Nonproliferation Review* Vol 9 No. 93 Fall / Winter accessed at
<<http://cns.miis.edu/pubs/npr/vol09/93/93kamp.pdf>> accessed on 21 April 2008 ; J. Mohan Malik "China and the Nuclear Non-Proliferation Regime," *Contemporary Southeast Asia*, Vol. 22, No. 3 (Dec. 2000), pp. 445-478; Mohan Malik, "China plays 'the proliferation card'," *Jane's Intelligence Review* [hereafter *JIR*], Vol. 12, No. 7 (July 2000), pp. 34-37.

avoiding the determined role of China as the systemic cause for the reckless proliferation and the primary architect in corroding the global nonproliferation regime³⁸. The deliberate attempt by western nonproliferation experts to ignore the second tier proliferation of China is a gross absurdity and sheer hypocrisy.

The operational contexts of the anti-state / non-state actors in violent conflict could come at the initiation of low intensity unconventional operations. It would be attritional in scope, with the swiftness to use weapons of mass destruction in chemical, biological or nuclear and radiological weapons that would lead to mass catastrophic devastation.

These irregular threats and disruptive sources of threats would be extremely difficult to deter, and the efficacy of conventional arms control and multilateral measures to contain the threat have little relevance since they don't address the core issues of the conflict.

The role of individual and group-centric entrepreneurial networks in weapons of mass destruction was the result of the lack of stringent export control regimes and laws, or the incohesion of national custodial efficiency to prevent export of knowledge and technologies, and, more importantly, the clandestine transactions that were completely out of the purview of international intelligence until one link in the network succumbed. The process of globalization has indeed aided the process of entrepreneurial networks and its implications for the global architecture of nonproliferation have been quite alarming.³⁹

The A.Q. Khan network had optimally exploited loopholes in the existing national-based system and clandestinely created a network of suppliers, manufacturers, and shippers with partial

³⁸ T.V.Paul (2000) "Great Powers and Nuclear Nonproliferation Norms: China in South Asia" Paper presented at the International Studies Association 41st Convention (CA:Los Angeles) accessed at <http://www.ciaonet.org/isa/pat01/> accessed on 21 April 2008

³⁹ Chaim Braun and Christopher Chyba, "[Proliferation Rings: New Challenges to the Nuclear Nonproliferation Regime](#)," *International Security* 29, no. 2 (Fall 2004), 5-49. See Alexander H. Montgomery, "[Ringing in Proliferation: How to Dismantle an Atomic Bomb Network](#)," *International Security* 30, no. 2 (Fall 2005), 153-187

official resources to provide secret nuclear technology to Iran, Libya, North Korea, and perhaps others. These transfers went largely undetected, with no serious effort at interdiction. The Khan network's strength was its knowledge capital— the substantial documentation of centrifuge designs and detailed manufacturing manuals that were digitized and effectively duplicated⁴⁰. The Khan network was thus a clearinghouse for delivering parts from private actors to Iran, Libya, and North Korea. It also offered parts to other countries, such as Iraq and possibly Syria.

These four actors received direct aid from China and Russia and also improvised on the data from the Khan network. The Khan network was indeed a repository of proven technological expertise and operations rather than a trial and error entity. The network was able to deliver parts and plans to Libya, Iran, and North Korea.

It is quite evident that no global nonproliferation regime could be effective unless a strong, multilateral, and coordinated intelligence effort is in place and is made a vital prerequisite to monitoring and interdicting such networks and their transactions.

India's national efforts in nonproliferation and its role in the global nonproliferation dynamic

India had always been strong in its adherence to the governing principles of the international nonproliferation regimes and disarmament initiatives. But it refrained from being a statutory member owing to various discriminatory slants built into these regimes that would seriously hamper India's strategic autonomy.

India's evolving role and response would have to be structured on the effective leverage of its capabilities rather than reliance on rhetoric. Its convinced belief that international regimes and treaties are biased and are loaded with discrimination has not changed. The evidence is quite

⁴⁰ *Nuclear Black Markets: Pakistan, A.Q. Khan and the rise of proliferation networks: A net assessment* (London, UK,: International Institute of Strategic Studies May 2007)

plain. India has evinced interest and has demonstrated on record a penchant for voluntary adherence.

India's strategic autonomy, however, would dictate that it has to rely on its robustness of its nuclear force posture that would have to be built in the sinews of its operational doctrine. This is evident in its Joint Defense Doctrine, which builds the synergies of its conventional and nuclear forces with the requisite command and control assets that would be in place under the Strategic Forces Command to reinforce credibility, effectiveness and survivability.

India's export control system is extensive, well routinized, and over the years has become increasingly comprehensive. Its specific focus in terms of the items controlled, the licensing procedures, penalties, and end-use/user requirements has been well-established with an excellent reputation, though India is outside the NPT/CTBT framework and outside the informal export control regimes. With regard to the four multilateral export control regimes (the Nuclear Suppliers Group (NSG), the Australia Group (AG), the Missile Technology Control Regime (MTCR), and the Wassenaar Arrangement (WA)), India had earlier denounced them as self-created technology denial regimes.

However, as a post-proliferation state, India's attitude has changed considerably. India's expertise in nuclear power provides an emergent opportunity for the international nuclear export community as a source on secondary proliferation, and as a part of the nonproliferation solution. India thus maintains a unilateral system of controlling exports of WMDs, related technologies and materials, and is an active member of the IAEA on nuclear safety issues.

National Export Controls and its harmonization with the international instruments

In terms of its diplomatic and national proaction, India has evolved its national legislation on nonproliferation through its legislation on *The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005*. This has been part of a string of positive and proactive national measures that would strengthen Indian export controls and attempt to harmonize with the proviso of the Nuclear Suppliers Group (NSG) and the Missile Technology Control Regime (MTCR). India is not a member of both regimes, yet has been voluntary in adherence.

The national legislation is an important milestone in the history of India's international relations and its nuclear position. It marks the first time that a piece of national legislation has been enacted to meet the international standards of non-proliferation. The law provides for the preparation of expanded lists of nonexportable items. It provides for a correlation of the revised SCOMET (special chemicals, organisms, materials, equipment, and technologies) list published by the Director General, Foreign Trade, in the Ministry of Commerce. This list was revised on July 15, 2005, which updated both the biological agents list and the nuclear materials list⁴¹.

The national legislation on *The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005* conforms to the UN 1540 Resolution. The provisions of the Indian WMD Act comprehensively apply to the export, transfer, retransfer, transit and trans-shipment of material, equipment or technology related to weapons of mass destruction. Its comprehensiveness effectively closes some of the loopholes in existing Indian laws and regulations that could be exploited by non-state actors and terrorists seeking weapons of mass destruction and related materials.

⁴¹ The SCOMET list is at <http://dgftcom.nic.in/exim/2000/scomet.htm> (linked to the home page of the Director General, Foreign Trade, <<http://dgftcom.nic.in>> and the revised list is at <<http://dgftcom.nic.in/exim/2000/not/not05/not1505.htm>>. accessed on 21 April 2008

The concept of “technology” has a very comprehensive scope in the Act that includes intangible technology transfers by Indian citizens abroad and by foreign nationals studying or working in India. The Act establishes a very specific list of specific civil and criminal penalties for violations, while expanding the liability for WMD export control violations to all individuals involved in relevant businesses⁴².

The Act holds culpable any individual in violation of its provisions if the person "knowingly facilitates" the prohibited WMD-activity and exports an item "knowing that the item is intended to be used" in WMDs. It increases the liability of the individual and suggests a clear insertion of the intent in the regulation and implementation of India's controls on WMD-relevant strategic exports.

India and MTCR

India’s position on the MTCR had evolved over a long period since 1987 to thwart the Indian initiative of the Integrated Guided Missile Development Programme. Recent Indian initiatives have harmonized the Categories 4 and 5 of India's control list (SCOMET) to clearly regulate MTCR-controlled items. The harmonization has led to Indian laws to restrict the export of the items mentioned in the lists. It is a fact that the BrahMos supersonic anti-ship missile (290kms and Mach 2.8) is within the MTCR stipulations. The export version of the BrahMos is also within the MTCR guidelines⁴³.

Indian Prime Minister Dr. Manmohan Singh reiterated in the India-US Joint Statement of 18 July 2005 that India would harmonize the law in accordance with the NSG and the Missile

⁴² Op.cit Seema Gahlaut

⁴³ Pandit, Rajat: New Delhi planning to sell missiles to friends, in: Times of India, 1 May 2003. URL: <<http://timesofindia.com/cms.dll/html/uncomp/articleshow?xml=0&msid=45098404>>.

Technology Control Regime (MTCR). However, neither the NSG nor the MTCR includes India as a member.

Hence the implementation of the bill would be approached from a *preventive approach*, in which exporters are made aware of the bill and are made to declare what they are exporting. In the process of its operation, exporters would be informed of the penalties for exporting items on the SCOMET list. This approach is declaratory without the physical verification of inspecting the consignment.

Through the enactment of the national legislation and the two lists, the correlation between the NSG and MTCR lists show that India has adhered to the required standards. It seems, therefore, that the harmonization between the NSG guidelines and the SCOMET list had already been achieved after the SCOMET list was amended on July 15, 2005. It remains to be seen whether the IAEA would acknowledge the harmonization of the lists and facilitate India's entry into the NSG.

Assisting the IAEA: India is a non-NPT state. Yet, it has always enjoyed a constructive relationship with the IAEA. There is an Indian representative on the board of the IAEA. India, the US, and the IAEA have agreed to cooperate in the field of locating orphaned radiological devices. The agreement was put together in India by representatives of the Department of Energy and IAEA, who expressed satisfaction at the offer made by India to conduct regular international courses on the safety of radiological sources⁴⁴.

India has extended the offer to locate, consolidate, and dispose of high-risk, orphaned sources through a system of national and regional repositories. The Indian offer is seen as a positive step in the US DOE's Global Threat Reduction Initiative (GTRI) and it is a part of the

⁴⁴ "India, U.S., IAEA hold meeting on radiological security," *The Hindu*, 10 Feb 2005, www.thehindu.com/2005/02/10/stories/2005021006001000.htm. accessed on 21 April 2008

National Nuclear Security Administration (NNSA) project to form regional centers with countries such as India, Australia, Brazil, and Argentina for the same purpose⁴⁵. India's voluntary efforts have the potential to change the IAEA-India relationship and it would allow India to engage in an enhanced level of international participation consistent with the objectives and missions of the IAEA and as the Director General of the IAEA would seem to engage India.

The above-mentioned initiatives prove that India's strong credentials as a non-member and its adherence has created its unique case for its special status, though the politics of nonproliferation and the inefficacy of the treaties have been primary obstacles.

India's prospective participation with international initiatives

India's participation in the various counterproliferation and counterterrorism initiatives has been impressive. India has extended unequivocal support to these initiatives and has balanced the same with its singular contribution. Though India has not fully joined the multilateral initiatives, its support has come with the bilateral focus. The Indo-US as and Indo-Japan strategic bilateral engagements have been of immense value. Two Indian naval flotillas were on a deployment Navy off Yokosuka naval base, US Navy (Malabar Series) off Guam in March 2007.

The second series of the *Malabar 07-02* exercises in the Bay of Bengal in September 2007 featured a very prominent and a substantial operational role for the Indian Navy and its aircraft carrier, along with the US Navy aircraft carriers USS Nimitz and USS Kitty Hawk and with the warships of the Japanese Maritime Self Defense Force, the Royal Australian Navy and the Republic of Singapore Navy. It was a demonstration of naval interoperability with the objectives of counterproliferation and operational counterterrorism. India's interoperable roles

⁴⁵ Rear Admiral (Retd) Raja Menon (2005) Bridging the US/India Nonproliferation Divide: The Way Ahead Sandia Occasional Paper SAND2005-5750p accessed at <http://www.cmc.sandia.gov/cmcpapers/sand2005-5750p.pdf>. accessed on 21 April 2008

with the navies of the Quad reinforces the Indian commitment to a counterproliferation policy that has to contend with WMD proliferation

India and the PSI

India's participation in the PSI has gone through a chequered experience. Initially India did not join the PSI because it was an initiative that lacked the legitimacy of a UN sponsored instrument. Its objections were based on the principles of interdiction outlined by the instrument and India's stand on the NPT and Article VI. India also earlier objected to the two-tier structure of PSI that had a core group and a second tier of participating states. Recent events prove that the Indian interest in PSI has increased with the India-US Nuclear Deal and its associated commitments.

India's spontaneous interest in PSI emerges from the extensive naval interoperability that it gained with the US Navy, the Japanese Maritime Self Defense Force, and the Japanese Coast Guard. The US interest and keenness in India's participation in the PSI in the Indian Ocean emerges from the singular and robust role that the Indian Navy has in the Indian Ocean and its versatile capabilities. The Indian track record of anti-piracy in rescuing the *M.V. Alondra Rainbow* and the interdiction of alleged clandestine North Korean freighter *Kwolson* in 1999 have enhanced the levels of US and Japanese interoperability with India.

The Indian assessment of its participation in the PSI is based on the scope of amendments and the harmonization that could be effected with various treaties, conventions and the international law so that Indian participation could be envisaged. Such an endeavour would result in reinforcing India's voluntary role as a good stakeholder in international initiatives and enhance the operational effectiveness of the PSI in the Asia-Pacific region. Thus, India, by not being a member of the NPT as a weapons state, could be a voluntary participant state of the PSI.

Secondly, India's participation in the PSI has the benefit of the quality and variety of intelligence on the Chinese-Pakistani-Iranian-North Korean activities and could reciprocate the Pakistani sources of intelligence with the group. Intelligence sharing between India and the United States has come through with the GSOMIA (Generalized Security of Military Information Agreement) in 2002 and has since been reinforced in several ways.

In its operational scope, PSI would enhance the multinational naval engagements of India with the US, Japan, Australia and other key allies in the Asia-Pacific.

India and the CSI

India is in full agreement with the CSI, and it had initiated the compliance measures with the United States as a bilateral initiative in 2005. The pilot project at the Jawaharlal Nehru Port has been gradually replicated in other ports as well. The CSI has enabled India and the United States gradually globalize container safety and secure it with various hardening measures.

1000-ship navy: India's stand and options

India's participation in multinational naval engagements has been quite impressive, from Operation Unified Assistance to a host of other international initiatives. India has been continuously engaged in joint naval exercises to maintain order at sea including sea lane protection and over period of time. The 1000 ship navy would be a robust initiative that would serve to enhance littoral and extended green-water maritime security; reinforce the primacy of maritime surveillance and intelligence; enhance interoperability and engage India, US and Japan on layered-maritime security roles and tasks that could range from maintaining good order at sea,

to policing and patrolling the congested sea-lanes that are increasingly vulnerable to maritime asymmetric threats. It would play a crucial role in building synergies for the PSI.

The *Malabar 07-02* exercises in the Bay of Bengal in September 2007 served to build the capacities of an emergent multinational naval doctrine and operational capability in the region. However, the proaction of the Quadrilateral engagement of US, Japan, Australia and India is no longer sustainable, owing to the new domestic imperatives in Japan, Australia and the constraints of the present UPA-led government in India as it contends with its Leftist party supporters. It is an interesting perspective to view and analyse the varied domestic imperatives that condition and colour the strategic synergies of this quadrilateral alliance.

Assessment & Conclusion

India's perspectives on the global nonproliferation dynamics have witnessed a transformation with its rising economic-industrial-knowledge paradigms of power. The transformation of India's power has several significant implications for the Asian Balance of Power and the increased emphasis on increasing the synergies among the 'Quadrilateral concert' of maritime democracies of the United States, Japan, India and Australia. Five seminal issues need to be focused on here even as the changing scope of the global nonproliferation dynamics is there:

a) India, as a rising power with its economic-industrial power and its growing strategic military capabilities, endows its own strategic autonomy which cannot be cowed down by the statutory rigidities of international treaties that have been trampled by its own members with assertive non-compliance. The fact that India as a non-member had assiduously worked to adhere to the principles and spirit of the treaties and had been a good stakeholder with an exemplary

code of conduct for export controls proves the fact that it is not the regimen of treaties that are important, but the realities of the global and Asian Balance of power that influences the situation;

b) “Responsible nuclear weapon state China” has a ruthless record of clandestine second-tier proliferation that has never been dealt in punitive terms since it is a nuclear power by its right. This fact is quite evident in the new contexts of clandestine and covert proliferation which were abetted by state-to-state transfers via entities and the dubious role of the nuclear Walmart of A.Q.Khan. These have all gone with substantial Chinese facilitation to Islamabad, Pyongyang, and later to Teheran. While US concerns about India’s energy security trysts with Iran evoked irritation, there is much more that the Khan network has done with Teheran, and the gravity of the crime has not evoked palpable US and Western reaction.

c) Counterproliferation and Counterterrorism initiatives are premised on sound interoperability and intelligence sharing operations. The success of any robust counterproliferation and nonproliferation principle or concept of operation depends on the scope of intelligence and proaction measures that would be in place. Pakistan is vital as a pivotal state for the US in the South Asian and Central Asian region; but the realities of a Pakistan being in the throes of a ‘meltdown’ with nuclear weapons necessitates important US initiatives to secure fissile materials and the technologies. The imperative for the US is to thwart the ‘proliferation rings networks’ nexus with other brinkmanship states as well as asymmetric groups.

c) India-U.S. strategic relations and the Nuclear Agreement are key pillars in this transformation. Even as the two democracies navigate difficult steps in the legislation and enactment of the Agreement with all the potential pitfalls, it must be remembered that the reality of a robust Indian role in Asia and the enmeshment of trade, investment and security ties would be a very crucial aspect of a growing bilateral strategic consensus. India’s strategic autonomy

would be singular for India even as it engages in civil nuclear transactions, high technology trade and defense trade with the United States. Even as the India-United States Joint Statement and the subsequent legislation of the Agreement goes through, it would be naïve to assume that India would forswear to the Agreement to compromise its strategic autonomy that is dictated by the changing global milieu rather than the sanctions of treaties.

d) The US keenness on India's voluntary participation in various international initiatives shows that notwithstanding India's participation in international treaties or regimes, it wishes to elicit India's assistance and synergies as a non-reciprocal measure. It proves conclusively the crucial Indian role and value in the stabilization and maintenance of the initiatives. Indian participation in PSI, CSI and its support to the 1000 ship navy as an interoperable partner proves well the vitality of US reliance on the US-Japan-India-Australia consensus.

e) India's growing tryst with globalization and its maritime basis has a strong convergence with the United States. For instance, India and United States are involved in joint maritime cooperation and its corollaries to the monitoring and surveillance of the covert transfer of weapons of mass destruction components and sub-assemblies in the high seas in the Indian Ocean. These initiatives embody the imperatives of maintaining good order at sea and deepening the export control process of India. The synergies of this partnership would be the cornerstone of a meaningful India-US-Japan partnership in nonproliferation and counterproliferation.

Though there are areas of commonality and cooperation between India and the United States, India retains its areas of autonomous action as befits its status. While India abstains from the extremes of unilateralism and preventive war doctrines, it has evoked keenness in the multilateral initiatives that provides a definitive scope and legitimacy to concerted action. India's

critical security concerns arise from the blend of terrorism and weapons of mass destruction, as well as the gravity of the systemic deterioration of Pakistan with its nuclear weapons complex.

India's strategic autonomy would thus be dominant in its position even as it negotiates its due position with the global nuclear community to harmonize its stand with the global nuclear community. India's commitment to an assertive posture is inevitable in the face of a nuclear neighbourhood catalyzed by advertent Chinese proliferation to Pakistan, as well as Pakistan's catalytic actions to aid terror and facilitate nuclear proliferation to Jihadi groups through nuclear entrepreneurship of the remnants of the Khan network.