

Trustworthy Nuclear Sovereigns? India and Pakistan after the 1998 Tests¹

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India and Pakistan both faced widespread international condemnation following their 1998 nuclear tests. Today the two countries stand apart in the global nuclear order. Pakistan remains a nuclear outsider, while India has been labelled a responsible nuclear state and permitted access to exceptional civil nuclear trading rights. This article offers an explanation for the divergent international responses to India and Pakistan's decision to become nuclear-armed states. Rather than presenting a materialist explanation for the differing responses of the international community in terms of geopolitical, strategic and economic factors, or a normative approach that focuses on shifting conceptions of India and Pakistan's identities as political systems, we focus instead on changes in individual and collective perceptions of India's trustworthiness. At the base of the starkly contrasting response to a nuclear India and a nuclear Pakistan, we argue, is an assessment that India can be trusted with nuclear weapons, while Pakistan cannot. We show how India made the journey from nuclear rogue to nuclear partner and demonstrate where Pakistan fell short. We conclude with some reflections on perhaps the most important question that can be asked of states and leaders in the nuclear age: who can be trusted with the possession of nuclear weapons?

Keywords: India, non-proliferation, nuclear weapons, Pakistan, trust, trustworthiness.

1. Introduction

Changing international attitudes towards India's decision in 1998 to become an overtly nuclear-armed state present a puzzle in the history of the nuclear non-proliferation regime. In May 1998, both India and Pakistan faced widespread international

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condemnation and sanctions after they tested nuclear weapons. Yet less than a decade later, India, a non-signatory of the Nuclear Non-Proliferation Treaty (NPT), had signed a bilateral agreement with the United States that provided it with exceptional civil nuclear trading rights in return for only very limited non-proliferation commitments. Moreover, three years later, this bilateral agreement received endorsement by the then 45 members of the Nuclear Suppliers Group (NSG). The latter granted India an exemption from the core norm which has governed the group's export policy since the early 1990s, namely, that no state would have access to civil nuclear materials and technologies unless all of its nuclear facilities were under 'full-scope' International Atomic Energy Agency (IAEA) safeguards. It appeared that India's international status in the nuclear sphere had shifted from nuclear rogue to nuclear partner. The international response in the same period to Pakistan's nuclearisation stands in sharp contrast to that of India's. To Islamabad's considerable frustration and disquiet, the international community² perceived Pakistan's acquisition of nuclear weapons as a source of fear and anxiety. As a result, Pakistan has not benefited from an equivalent exemption and the attendant recognition and privileged trading benefits.

Explaining the starkly contrasting international responses to India and Pakistan's decision to become nuclear-armed states is a key purpose of this article. International Relations theory would suggest two broad lines of enquiry here. The first, 'materialist' approach would explain the differing responses in terms of geopolitical, strategic and interest-based factors. According to this view, the political and diplomatic resources expended by the United States to secure India's inclusion in the global civil nuclear technology regime can be framed as part of a broader US–India strategy. This aims at enhancing India's international status and fostering economic growth, thereby cultivating India as a powerful counter-weight to China in Asia.³ A further dimension of the materialist explanation would focus on how the Indian exemption drew acceptance by members of the international community because of the economic benefits to be derived from civil nuclear trade with India.⁴ The second, 'normative' approach would explain the differing responses in terms of shifting conceptions of identity. On this reading, it is the nature and character of India and Pakistan's political systems which determine the international community's response to their nuclearisation.⁵

It is our contention that both materialist and normative approaches contribute to understanding the different international responses to India and Pakistan's nuclearisation over the last decade. Nevertheless, we consider that there are significant analytical

² By the use of the term 'international community' we refer principally to the NSG (in particular its G8 members), and, where relevant, the wider membership of the NPT.

³ G. Perkovich, *Faulty Promises – The U.S.-India Nuclear Deal*, Policy Outlook, No. 21, 7 September 2005, Washington, D.C.: Carnegie Endowment for International Peace.

⁴ T. Dalton and M. Krepon, *A Normal Nuclear Pakistan*, Washington, D.C.: Stimson Center and Carnegie Endowment for International Peace, 2015, p. 28.

⁵ J. Hayes, 'Identity and Securitization in the Democratic Peace: The United States and the Divergence of Response to India and Iran's Nuclear Programs', *International Studies Quarterly*, 2009, Vol. 53, pp. 977–999.

benefits to be derived from supplementing these theoretical perspectives with a focus on the concept of trust and, especially, the notion of trustworthiness. We show in the article how a focus on the international community's perception of Indian and Pakistani nuclear trustworthiness, and the efforts of both those countries in winning this, delivers new insights into an understanding of the different treatment of the two South Asian nuclear powers. In doing so, the article responds to perhaps the most important question that can be asked of states and leaders in the nuclear age, namely, who can be trusted with the possession of nuclear weapons?

One answer to the above question was provided by the founder members of the NPT in 1968. The Treaty restricted the legal right to possess nuclear weapons to the five recognised 'Nuclear Weapon States' (NWS) which had tested and developed nuclear weapons before 1 January 1967. This dividing of the world into nuclear 'haves' and 'have-nots' has been strongly opposed by India and Pakistan, not least because the category of NWS implies that these states and these states alone can be trusted with military nuclear capabilities.

Both India and Pakistan's overt nuclearisation in May 1998 has served to unsettle the hitherto stable categorisation between the NWS and the Non-Nuclear Weapon States (NNWS). Neither India nor Pakistan can be treated as NWS under the NPT (given the Treaty's definition of a NWS), and yet nor can the parties to the Treaty ignore the material reality that both states now possess nuclear weapons. Put differently, the cases of India and Pakistan raise the question of how NPT insiders should deal with the challenge posed by outsiders.

This question is particularly salient in the case of India, and the second purpose of the article is to chart India's journey from nuclear outsider to partial inclusion in the ranks of the trusted. For decades, India, in particular, challenged the Treaty's discriminatory character, refusing to accede to the NPT, and guarding its legal right to test and its sovereign entitlement to develop nuclear weapons. As nuclear outsider, India struggled as global non-proliferation norms were strengthened and consolidated and multilateral technology denial regimes established, many prompted by India's continuing defiance of the Treaty.⁶ The exception granted to India by the US nuclear deal and the NSG endorsement ended India's status as a nuclear outsider in a significant way.⁷

It will be evident from the focus on questions of nuclear trustworthiness that our interest in this article is two-fold: first, a comparison of the perceptions of the international community towards India and Pakistan, and second, how India came to be trusted. We proceed in four stages. First, we introduce the concept of trustworthiness

⁶ B. Chellaney, *Nuclear Proliferation: The U.S.-Indian Conflict*, New Delhi: Orient Longman, 1993; F. Frankel, 'Preface', in F. Frankel (ed.), *Bridging the Non-Proliferation Divide: The United States and India*, Delhi: Konark, 1995, pp. v-x.

⁷ The endorsement did not permit India membership to the NSG, however, and some analysts have suggested that India's 'effort to join the mainstream in the nuclear order' will not be complete until it achieves admission to the civil nuclear trading body. Dalton and Krepon, *op.cit.*, p. 28.

as it relates to the nuclear domain. In particular, we show how it enriches the concept of ‘responsible nuclear sovereignty’ developed by William Walker.⁸ The second part of the article begins to set out the narrative of India’s journey from nuclear outsider to insider, analysing India and Pakistan’s initial attempts to minimise the negative international responses to their decisions to test. The third part of the article chronicles how US dialogical engagement began to build trust between Washington and New Delhi whilst failing at the same time to establish a similar trusting rapport with Pakistan. The final section shows how the changing US assessment of India’s nuclear trustworthiness spills over to the broader international community. This was symbolised and institutionalised when the NSG granted India an unprecedented set of privileges and benefits for a non-NPT state in 2008.

2. Why trustworthiness?

We argue that the concept of nuclear trustworthiness allows us to look beyond apparently neutral observations of behaviour to incorporate unexamined aspects of identity. It does this by showing how characterisations of behaviour, for example as responsible, good/bad, trustworthy/untrustworthy etc., are interpreted through individual perceptions and collective mind-sets. The notion of trustworthiness has been applied to the study of international nuclear politics,⁹ and this language is regularly invoked in policy discourse. Hugh Gusterson, for example, has explored policy talk of this kind and critiqued the manner in which Western states have implied that some leaders and polities can be trusted with nuclear weapons while others cannot.¹⁰ In pointing to the ‘common perception in the West that nuclear weapons are most dangerous when they are in the hands of Third World leaders’, Gusterson’s analysis hints at deeper, unwritten rules about the kinds of states deemed ‘trustworthy’ in nuclear politics, and locates them in the discourse as well as the institutions of non-proliferation.¹¹

Our focus on trustworthiness contributes to the idea of ‘responsible nuclear sovereignty’, which centres on behavioural norms.¹² According to Walker’s definition, a responsible nuclear sovereign is ‘respectful of certain widely accepted norms of behaviour’.¹³ The case of India clearly shows how India did not respect key

⁸ W. Walker, ‘The UK, threshold status and responsible nuclear sovereignty’, *International Affairs*, 2010, Vol. 86, No. 2, pp. 447–464, p. 229. See also, W. Walker and N. J. Wheeler, ‘The Problem of Weak Nuclear States’, *The Nonproliferation Review*, 2013, Vol. 20, No. 3, pp. 411–431.

⁹ J. Ruzicka and N. J. Wheeler, ‘The Puzzle of Trusting Relationships in the Nuclear Non-Proliferation Treaty’, *International Affairs*, 2010, Vol. 86, No. 1, pp. 69–85.

¹⁰ H. Gusterson, ‘Nuclear weapons and the Other in the Western Imagination’, *Cultural Anthropology*, 1999, Vol. 14, No. 1, pp. 111–113.

¹¹ *Ibidem*, p. 111.

¹² Walker, *op. cit.*; Walker and Wheeler, *op. cit.*; N. 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.

¹³ Walker, *op. cit.*, p. 229.

non-proliferation norms and yet still earned recognition – from the United States most prominently – as a responsible nuclear sovereign.¹⁴ Not only was India a non-signatory to the NPT, but, in the wake of its nuclear tests, New Delhi refused to accept key non-proliferation standards demanded by the international community: the signing of the Comprehensive Test Ban Treaty (CTBT) and participation in negotiations towards a Fissile Material Cut-off Treaty (FMCT). Despite India's failure to fulfil these behavioural norms, by 2005 the United States had categorised India 'as a responsible state with advanced nuclear technology' and in 2008 the international community bestowed upon India hitherto unprecedented nuclear privileges.¹⁵

The Indian case suggests the complexities involved in deciding when a state is acting as a responsible, and we believe a focus on trust and trustworthiness offers a new avenue for doing so. To pin down what we mean by the term 'trustworthiness', we refer to work on trust and international conflict by Aaron Hoffman, who defines trust as 'an attitude involving a willingness to place the fate of one's interests under the control of others in a particular context. This willingness is based on the belief, for which there is some uncertainty, that potential trustees will protect the interests placed in their control, even if they must sacrifice some of their own interests in doing so'.¹⁶ Hoffman's conceptualisation of trust centres on the acceptance of vulnerabilities on the part of the party or parties who decide to trust.¹⁷ In the concrete case of the decision by the international community to admit India into the civil nuclear trading regime through the NSG waiver in 2008, those vulnerabilities included the risk of further proliferation on the part of India. More specifically, members of the NSG gambled with the possibility that New Delhi could use imported materials to sustain its civil nuclear programme while redirecting its indigenous nuclear materials to support its nuclear weapons program.¹⁸ Trusting India with access to civil nuclear trade meant accepting that New Delhi would not seek to benefit militarily from such access.

When in 2005 the United States categorised India as a responsible state and the members of the NSG subsequently affirmed this appraisal, India had not met the institutionalised non-proliferation benchmarks to merit such a categorisation. And yet, the international community appeared to find a way to trust India with access to civil nuclear trade. Moreover, the decision by the international community to trust

¹⁴ K. Sullivan, *Is India a Responsible Nuclear Power?*, RSIS Policy Report, March 2014, <https://www.rsis.edu.sg/rsis-publication/idss/is-india-a-responsible-nuclear/#.VkmwdbfhCUk> (accessed on 9 November 2015).

¹⁵ 'Joint Statement by President George W. Bush and Prime Minister Manmohan Singh', 18 July 2005, Washington, D.C., <http://2001-2009.state.gov/p/sca/rls/pr/2005/49763.htm> (accessed on 11 November 2015).

¹⁶ A. M. Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, Albany: State University of New York Press, 2006, p. 17.

¹⁷ Ruzicka and Wheeler, op. cit.; N. J. Wheeler, 'Investigating diplomatic transformations', *International Affairs*, 2013, Vol. 89, No. 2, pp. 477–496.

¹⁸ J. Bajoria and E. Pan, 'The U.S.-India Nuclear Deal', *Council on Foreign Relations*, 5 November 2010, <http://www.cfr.org/india/us-india-nuclear-deal/p9663> (accessed on 10 November 2015).

India in this way is yet to be extended to Pakistan. Given the international opprobrium which greeted both India and Pakistan's tests in 1998, how did this asymmetric transformation become possible? Below, we begin to chart the shifting perceptions of India's trustworthiness on the part of the international community.

3.1 India and Pakistan as nuclear rogues

The nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May drew condemnation from 152 nations and several key international organisations, including the G8, which convened a special meeting in London on 12 June 1998 to formulate a response.¹⁹ Adding to the opposition voiced by the United Nations Security Council in adopting Resolution 1172,²⁰ the G8 statement declared that the nuclear tests had impacted negatively upon the security environment on the Sub-continent, compromised India and Pakistan's economic futures, and undermined global efforts towards nuclear non-proliferation and nuclear disarmament.²¹ The G8 statement pointed to a difficult road ahead for the two new nuclear-armed states, promising that '[t]he negative impact of these tests on the international standing and ambitions of both countries will be serious and lasting.'²²

India's decision to test imposed upon the world its own answer to the question of who can be trusted with nuclear weapons, hitherto only addressed by the NPT. India had anticipated the resulting international response and in an effort at damage limitation, New Delhi went to considerable lengths to show that it could be a responsible possessor of nuclear weapons. The narrow segment of the Indian leadership apprised of the clandestine plan to test in May 1998 had no doubt that it would trigger, in the words of Jaswant Singh, 'a storm of protests'.²³ Then Senior Advisor on Defence and Foreign Affairs to Prime Minister Atal Bihari Vajpayee, Singh later narrated an account of India's anxious first day of testing that exposed both the leadership's giddy anticipation of 'an event that would alter an existing order' and their fretful expectation that the tests 'would confront us ... with a phalanx of challenges'.²⁴ Official press statements released by the Indian Ministry of External Affairs (MEA) on 11 and 13 May defiantly declared India's 'proven capability for a weaponised nuclear programme' but equally sought to minimise international opprobrium. MEA officials stressed India's 'impeccable'

¹⁹ S. Talbott, 'Dealing with the Bomb in South Asia', *Foreign Affairs*, Vol. 78, No. 2, March/April 1999, pp. 110–122, p. 110.

²⁰ United Nations Security Council, 'Resolution 1172', 6 June 1998, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N98/158/60/PDF/N9815860.pdf?OpenElement> (accessed on 11 November 2015).

²¹ 'G8 Foreign Ministers Communiqué on Indian and Pakistani Nuclear Tests', London, 12 June 1998, <http://www.g8.utoronto.ca/foreign/fm980612.htm> (accessed on 10 November 2015).

²² *Ibidem*.

²³ J. Singh, *In Service of Emergent India: A Call to Honor*, Bloomington and Indianapolis: Indiana University Press, p. 231.

²⁴ *Ibidem*, p. 99.

record in exercising ‘the most stringent control on the export of sensitive technologies, equipment and commodities especially those related to weapons of mass destruction’, and they expressed India’s willingness to commit to ‘any global disarmament regime which is non-discriminatory and verifiable’.²⁵ The MEA statements highlighted India’s adherence to both the Chemical Weapons Convention and the Biological Weapons Convention and signalled India’s readiness to adhere to parts of the CTBT and participate in negotiations leading to a FMCT.

This campaign to project India as a responsible possessor of nuclear weapons continued in a series of Parliamentary statements. For example, in late May 1999, Vajpayee summarised the contours of India’s new nuclear policy. India had acted with restraint and developed only a minimum credible deterrent, had announced a voluntary moratorium on further testing, was willing to discuss both signature of the CTBT and of the FMCT, and was prepared to consider a ‘no-first-use agreement’ with Pakistan and other bilateral or multilateral partners. Vajpayee declared that these initiatives ‘address substantially, a number of concerns expressed by other countries’.²⁶ He also conveyed the Indian Government’s willingness to engage ‘with all principal interlocutors in a responsible dialogue’.²⁷

By projecting an identity as a state with peaceful intentions and a singular record of disarmament initiatives, the statements attempted to present the tests as a comparatively small event in a broader history. Disarmament initiatives, Vajpayee claimed, still formed ‘the cornerstone’ of India’s nuclear doctrine.²⁸ The message being sent was that India was now a nuclear-armed state, but it was one that had behaved responsibly in the past and could be trusted to behave responsibly into the future. Despite these attempts by India to portray itself as a responsible nuclear power and to offer evidence that it could be trusted to remain so, the United States led a group of states in imposing sanctions against India in the immediate aftermath of the tests.

In contrast to India, Islamabad sought to limit international condemnation by presenting its tests as a legitimate security response to India’s decision to nuclearise the subcontinent. Pakistan was, however, equally unsuccessful in avoiding sanctions, reflecting the perceptions of the international community that like India, it also could not be trusted to act responsibly with its nuclear weapons. Moreover, compared to India’s attempt to challenge such perceptions, it appears that Pakistan did not at this time

²⁵ Government of India, ‘Announcement by the Prime Minister’, 11 May 1998, New Delhi, <http://pib.nic.in/archieve/lreleng/lyr98/10598/PIBR110598.html> (accessed on 12 November 2015); Government of India, ‘Planned Series of Nuclear Tests Completed’, 13 May 1998, New Delhi, <http://pib.nic.in/archieve/lreleng/lyr98/10598/PIBR130598.html> (accessed on 12 November 2015).

²⁶ A. B. Vajpayee, ‘Prime Minister’s reply to the discussion in Lok Sabha on nuclear tests on May 29, 1998’, *India News*, 16 May – 15 June 1998, pp. 9–10, <http://www.indianembassy.org/inews/mayjune1598.pdf> (accessed on 13 August 2011).

²⁷ *Ibidem*, p. 10.

²⁸ *Ibidem*.

explicitly articulate its responsible credentials.²⁹ Indeed, Pakistan sought, among other things, to use the tests to gain political leverage on the Kashmir issue by emphasising the dangerous security situation created by the nuclearisation of South Asia.

3.2 Dialoguing with the United States

The United States was the most important actor that Pakistan and India had to convince if they were to be accepted as responsible and trustworthy nuclear sovereigns. At the same time, the Clinton administration was developing a policy of engagement towards the two South Asian nuclear outsiders, centred on India and Pakistan meeting a series of institutionalised non-proliferation benchmarks. What has to be understood is how it became possible for India to begin to gain the trust of the United States, despite resisting the proposed US benchmarks. Conversely, Pakistan also rejected the benchmarks but failed to gain the trust of its former patron.

The policy of US engagement took the form of dialogues between US Deputy Secretary of State Strobe Talbott and Indian and Pakistani interlocutors. The negotiations conducted from 1998 to 2000 between Talbott and India's Jaswant Singh attempted – according to the interlocutors themselves – to develop a relationship of trust between the two estranged countries.³⁰ According to Singh, India had found itself 'explaining the logic of India's nuclear programme to an initially suspicious world, and ultimately bringing that world as close to India's view as circumstances permitted'.³¹ Talbott's account corroborates Singh's claim, recognising that 'Jaswant had come to Washington with a subliminal message in support of an overarching goal: to persuade the American government that ... a democratic, socially cohesive, politically confident India could be trusted with the bomb'.³²

Singh's success in developing trust in the Indo-US relationship stood in contrast to the failure of the United States to secure Indian signatures on non-proliferation instruments. Indeed, Talbott saw his interaction with Singh as an 'edifying' experience: 'I came to understand much that I had not known about Indian history and the lingering effect of British rule; the complexity of Indian society, culture, and religion; the ins and outs of Indian politics; and, crucially, Indians' adamancy about their sovereignty'.³³ Singh and Talbott's diplomatic exchange shows the importance of one-to-one dialogue

²⁹ An exception to this is the 1999 *Foreign Affairs* article submitted by Pakistani Foreign Secretary Shamshad Ahmad, which underscored how Pakistan was 'acutely aware of the risks and responsibilities accompanying nuclear weapons'. S. Ahmad, 'The Nuclear Subcontinent: Bringing Stability to South Asia', *Foreign Affairs*, July/August 1999, <http://www.foreignaffairs.com/articles/55222/shamshad-ahmad/the-nuclear-subcontinent-bringing-stability-to-south-asia> (accessed on 11 November 2015).

³⁰ See Singh, *op.cit.*; Talbott, *Engaging India*, *op.cit.*

³¹ Singh, *op.cit.*, p. xviii.

³² Talbott, *Engaging India*, *op.cit.*, p. 121.

³³ S. Talbott, 'Foreword', in J. Singh, *In Service of Emergent India: A Call to Honor*. Bloomington and Indianapolis, 2007, pp. ix–xiii, p. x.

and personal chemistry in improving relations between states. Above all Singh proved successful in convincing his US interlocutor of his personal trustworthiness, and by extension, that of India.³⁴

The US diplomatic transformation towards India during this period was evident in US President Bill Clinton's visit to New Delhi in March 2000. Clinton showed unprecedented sensitivity to the Indian position when he declared before a joint session of the Indian parliament that 'only India can know if it truly is safer today than before the tests. Only India can determine if it will benefit from expanding its nuclear and missile capabilities.'³⁵ Not only had the United States failed to secure institutionalised commitments on key non-proliferation instruments, but it now recognised India's sovereignty over its own decisions in the nuclear domain.

In the same period, Talbott's parallel dialogue with Pakistan failed to alter US perceptions in an equivalent way. Pakistan's approach had been to argue that the new risks created by the nuclearisation of the subcontinent would be eliminated if the focal point of the violent conflict between India and Pakistan, namely Kashmir, was resolved once and for all. Talbott's narrative of the dialogue recalls conversations between him and the Pakistani Prime Minister Nawaz Sharif and Foreign Secretary Shamshad Ahmad in which his two Pakistani interlocutors declared, 'If the United States would just devote ten percent of the energy to Kashmir that it was giving to the Middle East peace process ... the world could "rest easy" about India and Pakistan having nuclear weapons, since the most likely cause for a war would be removed.'³⁶ The rationale behind Pakistan's tacit invitation to the United States to act as a third party arbiter was that the outcome would be favourable to Pakistani interests. Talbott's account is given added credence by Foreign Minister Gohar Ayub Khan's statement on 20 June 1998 warning that 'with the situation so volatile and in the presence of mistrust and suspicion ... a nuclear conflict could erupt'.³⁷ It appears that the Foreign Minister, like Sharif and Ahmad after him, was inviting the international community to take steps to promote cooperation between India and Pakistan. Given Washington's historic policy of tilting towards Islamabad on the Kashmir issue, it is reasonable to conclude that these decision-makers were anticipating that any US intervention would be in Pakistan's favour.

If Pakistan's 'Kashmir first' approach was its primary refrain in the dialogue, the United States was more concerned with whether the democratic Pakistani leaders with whom it was dealing could be trusted on their ability to deliver on their commitments and promises. Talbott's concern was that 'Pakistani democracy was so fragile' and

³⁴ Indeed, Talbott viewed Singh's conduct as 'without exception, honourable. When he told me what he thought he could accomplish or deliver, I believed him. When he explained why something he had thought possible had turned out not to be, I believed him' – Talbott, 'Foreword', op.cit, p. x.

³⁵ Talbott, *Engaging India*, op.cit., p. 199.

³⁶ *Ibidem*, p. 109.

³⁷ A. Iqbal, 'Pakistan Yet to React to U.S. Sanctions', *News*, 20 June 1998.

as a result of ‘the shakiness of civilian control of the military even when there was a prime minister in charge of the country ... elected leaders in Islamabad tended to look over their shoulders and worry about what was going on up the road in Rawalpindi’.³⁸

The limits to Sharif’s control over the military were demonstrated by the breakdown of the Lahore peace process and the ensuing Kargil conflict in 1999. In late 1998 and early 1999, India and Pakistan began to explore the possibility of initiating a diplomatic peace process. After discussions between the two leaderships, Vajpayee personally inaugurated the Delhi–Lahore bus service and met Sharif in Lahore on 21 February 1999. The summit had as its key substantive output the Lahore Declaration, which committed both parties to intensifying dialogue with a view to resolving all contested issues, including that of Jammu and Kashmir. Among other undertakings, India and Pakistan pledged their commitment to work together to reduce nuclear risk in the region by developing confidence-building measures in the nuclear and conventional domains.³⁹

The dramatic, performative nature of the Lahore Summit permitted Vajpayee and Sharif to engage in an elaborate, public display of trust-building with one another, and, implicitly, with the international community.⁴⁰ Since encouraging a tension-reducing dialogue between the two neighbours had been a key US priority, the Lahore peace process drew international acclaim and offered some reassurance that India and Pakistan were taking steps towards a more productive and less volatile relationship.

To Indian and international surprise, however, a few months after the meeting in Lahore, Pakistani forces infiltrated across the Line of Control (LoC) (the military control line between India and Pakistan in Kashmir) near the town of Kargil. This triggered a crisis between the two countries that threatened to escalate into full-scale war. How far Kargil was an operation undertaken by a Pakistani military machine operating outside of civilian control, or one in which Sharif was complicit, remains contested. The immediate concern internationally, however, was that the conflict could lead to a nuclear exchange. Major battles took place between Indian and Pakistani forces, but hostilities rapidly came to an end following an emergency meeting between Sharif and President Clinton in Washington on 4 July. If anything confirmed US doubts over civilian control of the military in Pakistan, it was this meeting. According to Bruce Riedel, who was present, Clinton told Sharif – to the latter’s astonishment – that the Pakistani military was readying its nuclear forces.⁴¹ The immediate product of this meeting was a joint communiqué urging the ‘immediate cessation of hostilities’ and a commitment

³⁸ Talbot, *Engaging India*, op.cit., p. 107. Rawalpindi, the seat of the Pakistani military establishment, is often used as a shorthand for the latter.

³⁹ ‘The Lahore Declaration’, Lahore, 21 February 1999, http://www.usip.org/files/file/resources/collections/peace_agreements/ip_lahore19990221.pdf (accessed on 11 November 2015).

⁴⁰ N. J. Wheeler, ‘“I Had Gone to Lahore With a Message of Goodwill But in Return We Got Kargil”: The Promise and Perils of “Leaps of Trust” in India–Pakistan Relations’, *India Review*, 2010, Vol. 9, No. 3, pp. 319–344; N. J. Wheeler, *Trusting Enemies*, Oxford: Oxford University Press, forthcoming in 2017.

⁴¹ B. Riedel, *American Diplomacy and the 1999 Kargil Summit at Blair House*, Philadelphia: University of Pennsylvania, Center for the Advanced Study of India, 2002.

by Pakistan to take ‘concrete steps’ towards restoring the LoC.⁴² The immense pressure faced by Sharif in this meeting also spelt out clearly the unequivocal support for India from the United States and the broader international community. Indeed, both the European Union and members of the G8 joined in attributing to Pakistan the blame for the conflict.⁴³ More generally, Clinton and his key advisors on Pakistan came away from the Kargil crisis confirmed in their prior belief that the democratic political leadership in Islamabad lacked civilian control over the Pakistani military and by extension over the country’s nuclear assets. If there were trustworthy elements within the Pakistani leadership, it was difficult to know who they were and whether they could exercise effective command and control of Pakistan’s nuclear forces.

Taking the long view, the outcome of the Kargil crisis was favourable to India. Pakistan paid heavily in terms of its international standing for what was widely interpreted as military adventurism. Following so closely on the tail of the Lahore Summit, Pakistan’s attempt to achieve military gains in Kashmir appeared both to India and the international community as a betrayal of trust.⁴⁴ Meanwhile, where Pakistan had violated the LoC, India was careful during the Kargil conflict, as S. Paul Kapur points out, not to cross the *de facto* border, even though such a strategy placed Indian ground forces at greater risk and was not conducive to a swift end to hostilities.⁴⁵ Indeed, Clinton phoned Vajpayee to personally applaud India’s restraint in respecting the inviolability of the LoC.⁴⁶ Expectations on the part of the Indian leadership as to the diplomatic rewards of this strategy proved correct. And as India’s first televised war, Kargil provided an opportunity to secure domestic and international backing through an adroit use of the media.⁴⁷ Pakistan, on the other hand, had misjudged the international acceptability of its actions, anticipating the same level of US support on the Kashmir issue that it had enjoyed during much of the Cold War. The planners of the incursions at Kargil did not fully appreciate the extent of India’s improved relations with the United States, nor that the risks posed by a breakdown in trust had a different meaning in a post-Cold War, post-1998 context. Indeed, Pakistan’s military leaders

⁴² P. Bidwai, ‘U.S. brokers Kargil peace but problems remain’, *Inter Press Service*, 5 July 1999, <http://www.ipsnews.net/1999/07/politics-india-us-brokers-kargil-peace-but-problems-remain/> (accessed on 12 November 2015).

⁴³ ‘India encircles rebels on Kashmir mountaintop’, *CNN*, 2 July 1999, <http://www.cnn.com/WORLD/asiapcf/9907/02/kashmir.pakistan/> (accessed on 12 August 2011).

⁴⁴ Wheeler, “‘I Had Gone to Lahore...’”, op. cit.

⁴⁵ Kapur’s interviews with V. P. Malik, the Indian Chief of Army staff during the Kargil operation, and G. Parthasarathy, India’s then High Commissioner to Pakistan, suggest that the Indian decision to refrain from crossing the LoC was taken ‘mainly out of concern for world opinion’. S. P. Kapur, ‘Ten Years of Instability in a Nuclear South Asia’, *International Security*, 2008, Vol. 33, No. 2, pp. 71–94, p. 77.

⁴⁶ C. Rajghatta, ‘Quit, then talk – US to Pak’, *The Indian Express*, 26 July 1999, <http://www.expressindia.com/ie/daily/19990726/ige26005.html> (accessed on 12 August 2011); B. Clinton, *My Life*, London: Random House, 2004, p. 865.

⁴⁷ A. Tellis, C. Fair, J. J. Medby, *Limited Conflicts under the Nuclear Umbrella: Indian and Pakistani Lessons from the Kargil Crisis*, Santa Monica, CA: RAND, 2001, p. 6.

had underestimated the significance of the Lahore Summit. A RAND report produced in 2001 that drew on interviews with analysts, retired army officers, diplomats and journalists in Pakistan, suggested that the peace process was taken less seriously by many Pakistani officials, who were of the dismissive opinion that ‘the Lahore Declaration was designed for the consumption of the international community’.⁴⁸ For Pakistan, this was a catastrophic miscalculation. Perhaps for the first time since India had referred the Kashmir conflict to the United Nations in 1948, the weight of international opinion came down fully in India’s favour.

The difficulties the United States found in trusting Pakistan were underscored once again during President Clinton’s visit to South Asia in 2000. In contrast to the respect he showed for New Delhi’s right to determine how best to address its national security, during what was a five-day visit to India, Clinton spent only six hours on Pakistani soil.⁴⁹ A key reason for this, it later emerged, was intelligence that Al-Qaida were planning an assassination attempt on the President in Islamabad, forcing Clinton to land off-schedule in an unmarked plane.⁵⁰ In contrast to India, Pakistan’s domestic environment appeared comparatively insecure, presenting a higher risk of terrorist activity.⁵¹

3.3 Establishing India as Nuclear Partner

The transformation in the eyes of the United States of India’s nuclear status from rogue to partner was completed during the Bush administration. As part of a broader project to secure a strategic partnership with India, the United States, in the Indo-US Civil Nuclear Cooperation Agreement (first announced on 18 July 2005, signed on 2 March 2006, and concluded on 10 October 2008), categorised India as ‘a responsible state’ and pointed to its spotless record on nuclear non-proliferation.⁵² A key consequence of the agreement was that the United States unilaterally reversed the position which the NSG had adopted in 1992 that had made nuclear cooperation with all NNWSs conditional upon the acceptance of ‘full-scope’ IAEA safeguards. The United States undertook to make adjustments to its domestic laws, work within international regimes to secure the provision of fuel supplies and the transfer of nuclear technology, and grant full civil nuclear energy cooperation to India. This would ensure that India acquired ‘the same benefits and advantages’ as other states with ‘advanced nuclear technology’.⁵³

One set of explanations for US support of the bilateral nuclear deal follows a materialist logic. At the domestic level, the nuclear agreement promised bilateral

⁴⁸ Ibidem, p. 8.

⁴⁹ Q. Aziz, ‘South Asia after President Clinton’s visit’, *Pakistan Horizon*, 2000, Vol. 53, No. 2/3, pp. 27–29.

⁵⁰ T. Branch, ‘The Clinton Tapes: A President’s Secret Diary’, London: Pocket Books, 2009.

⁵¹ Dalton and Krepon, op.cit. p. 36.

⁵² ‘Joint Statement’, op.cit.

⁵³ Ibidem.

economic opportunities in the civil nuclear sector (benefitting US nuclear energy interests, defence industries, and other suppliers of nuclear technology).⁵⁴ At the international level, the deal presented an opportunity to cement a new US–India partnership, offering increased cooperation on global challenges such as counter-terrorism, as well as a possible counter to a rising China.⁵⁵ The domestic, ‘commercial’ explanations especially, are supported by the fact that the necessary support for the agreement was achieved through intense lobbying by powerful groups within both India and the United States, including sections of the US Indian diaspora.⁵⁶ We fully accept the significance of such accounts, but it is our contention that material interests alone are insufficient in explaining the decision. As Kate Sullivan notes, ‘nuclear trade with India could not even have been discussed without sufficiently widespread perceptions that Indian nuclear weapons were not a national security threat to the United States’.⁵⁷

A normative understanding also delivers insights into how US support of the deal was possible: India was framed by the Bush administration as a ‘good’ democratic state. The Indo-US Joint Statement issued by Indian Prime Minister Manmohan Singh and President Bush in 2005 announced their shared determination to establish a ‘global partnership ... [a]s leaders of nations committed to the values of human freedom, democracy and rule of law’.⁵⁸ Indeed, the Bush administration’s active pursuit of this partnership was explicitly linked to India’s democratic credentials.

We accept that the Indo-US Civil Nuclear Cooperation Agreement would not have been possible without the Bush administration’s wider ideological project of democracy promotion. However, we argue that this was a necessary but not sufficient condition for the deal. George Perkovich characterises the US position as one whereby the global non-proliferation regime is ‘predicated on rules that do not sufficiently discriminate between bad actors and good actors’, and as a result, ‘the problem is bad guys with nuclear weapons’.⁵⁹ Indeed, Perkovich’s analysis of the motivations of the core group of US officials who pushed the nuclear deal forward highlights how far the United States had travelled in accepting India’s earlier claims that it could be trusted with nuclear weapons. US perceptions centred first on India’s peaceful intentions towards the United States and the liberal international system; second, on India’s compliance with international law, since as a non-signatory to the NPT and CTBT India’s possession of nuclear weapons did not conflict with any international treaty; and third, on India’s

⁵⁴ Sullivan, *op.cit.*, p. 6.

⁵⁵ *Ibidem*.

⁵⁶ L. Weiss, ‘U.S.-India Nuclear Cooperation: Better Later than Sooner’, *Non-Proliferation Review*, Vol. 14, No. 3, 2007, pp. 429–457; J. A. Kirk, ‘Indian-Americans and the US–India Nuclear Agreement: Consolidation of an Ethnic Lobby?’, *Foreign Policy Analysis*, 2008, Vol. 4, No. 3, pp. 275–300.

⁵⁷ Sullivan, *op.cit.*, p. 6.

⁵⁸ ‘Joint Statement’, *op.cit.*

⁵⁹ G. Perkovich, ‘Democratic Bomb: Failed Strategy’, *Carnegie Endowment for International Peace Policy Brief 49*, 2006, <http://carnegieendowment.org/2006/11/21/democratic-bomb-failed-strategy> (accessed on 8 November 2015); Perkovich, *Faulty Promises*, *op.cit.*, p. 2.

track record as ‘a responsible steward of nuclear technology, material, and know-how’ that rendered it a partner, rather than a threat, to non-proliferation.⁶⁰

The agreement spoke directly to the longstanding Indian desire to be recognised as a nuclear responsible. It signalled that India could be trusted to behave responsibly, or more concretely, not to facilitate – directly or indirectly – its nuclear weapons programme by way of access to civil nuclear trade. In the July 2005 agreement with the United States, India had made an unprecedented concession by agreeing to separate its civilian and military nuclear programmes and subject the former to the IAEA safeguards system. Whilst significant given India’s commitment to nuclear sovereignty, critics were quick to point out that there were no practical curbs on India using its indigenous nuclear materials to support its nuclear weapons program whilst using imported materials to sustain its civil nuclear programme.⁶¹ Additionally, a partial safeguards system of this kind was incompatible with the export requirement of the NSG. The latter, as noted above, had been agreed in 1992 and was not formally part of the NPT, but it was aimed at strengthening the non-proliferation norm by restricting the benefits of nuclear commerce to those who were outside the Treaty. This NSG condition of supply was endorsed by the full membership of the NPT at the 1995 Review and Extension Conference. The Bush administration’s decision in 2005 to exempt India from the NSG export requirement complicated the insider–outsider distinction by giving India some of the status and privileges it had sought as a nuclear-armed power but which hitherto it had been denied.

The proponents of the US–India deal argued that it was a ‘creative, outside-the-box’ way of bringing India into the framework of the nuclear non-proliferation regime.⁶² Critics of the deal both inside and outside governments argued conversely that it had created a dangerous precedent by conferring a set of advantages upon a state that did not accept to be bound by the Treaty and its rules.⁶³ Consequently, it is all the more extraordinary that the 45 members of the NSG agreed on 6 September 2008 to exempt India from its core requirement that all nuclear trade was conditional on the acceptance of full-scope safeguards.

How, then, did the NSG exemption come about? The plenary meeting of the NSG, convened to consider the exception for India, took place in Vienna in early September, and at the outset it appeared that its members could not reach agreement on an exemption for India. France, the UK, Russia, and Japan expressed strong support of the waiver, and by the end of the first day of talks, only seven of the 45 member states remained in opposition to granting the waiver.⁶⁴ Indian journalist Siddharth

⁶⁰ Ibidem.

⁶¹ Bajoria and Pan, op.cit.

⁶² M. El Baradei, ‘Rethinking nuclear safeguards’, *Washington Post*, 14 June 2006.

⁶³ J. Carter, ‘India nuclear deal puts world at risk’, *International Herald Tribune*, 11 September 2008.

⁶⁴ A. Srivastava, ‘NSG Waiver for India’, *PacNet*, No. 46, 8 September 2008, [http://csis.org/files/media/](http://csis.org/files/media/csis/pubs/pac0846.pdf)csis/pubs/pac0846.pdf (accessed on 12 November 2015).

Varadarajan, reporting in depth on the evolution of the talks, noted how a statement issued by India at the end of the first day appeared to revive hopes of an agreement.⁶⁵ On advice from Germany, India's External Affairs Minister (EAM), Pranab Mukherjee, issued a statement⁶⁶ outlining the country's stance on non-proliferation.⁶⁷ The purpose of the statement, presented in the form of a letter, was to reiterate India's stand on disarmament and non-proliferation. In it, Mukherjee stressed India's long history of disarmament initiatives. He further emphasised India's voluntary commitment to a unilateral moratorium on nuclear testing, reaffirmed the Indian policy of no-first-use, and announced his leadership's willingness to work towards a FMCT. He again stressed India's positive non-proliferation record and made reference to India's 2005 Weapons of Mass Destruction and their Delivery Systems Act and the comprehensive system of export controls contained within it. In addition, Mukherjee underlined India's support for international efforts to curb the proliferation of enrichment and reprocessing (ENR) equipment or technologies to states not in possession of them.

Both Varadarajan's account of the negotiations and a further account by Anupam Srivastava highlight the significant role played by US diplomatic lobbying of the remaining recalcitrant NSG members for a positive outcome.⁶⁸ Yet a significant breakthrough, if Varadarajan's analysis is accurate, came about for reasons which go beyond a materialist explanation. The contents of Mukherjee's statement were, for the most part, not legally binding and promised no material benefit to NSG members. Yet his assurances were able to influence the attitudes of enough of the previously dissenting members of the NSG to minimise opposition. Indeed, John Rood, Undersecretary of State and the chief US negotiator in Vienna, claimed that Mukherjee's statement provided the 'necessary reassurance and momentum' to the deliberations.⁶⁹ Further support for the significance of Mukherjee's statement can be seen in the inclusion of references to its text in the NSG's final 'Statement on Civil Nuclear Cooperation with India'.⁷⁰

The NSG waiver was an extremely fortuitous outcome for India. As a result of the implementation of this exception, India became the first nuclear-armed state outside the NPT permitted to engage in nuclear commerce with the rest of the world. Meanwhile, Pakistan has continued to face an outright denial of access to civilian nuclear technology, despite lobbying to the contrary by both Pakistan and China.⁷¹ Islamabad's continuing

⁶⁵ S. Varadarajan, 'Thirty words that saved the day', *The Hindu* online edition, 8 September 2008, <http://www.hindu.com/2008/09/08/stories/2008090856401200.htm> (accessed on 12 November 2015).

⁶⁶ P. Mukherjee, 'Statement by External Affairs Minister of India Shri Pranab Mukherjee on the Civil Nuclear Initiative', 5 September 2008, http://www.nti.org/media/pdfs/6_ea.pdf?_=1316627913 (accessed on 11 November 2015).

⁶⁷ Varadarajan, *op.cit.*

⁶⁸ Srivastava, *op.cit.*

⁶⁹ Rood, cited in Srivastava, *op.cit.*

⁷⁰ *Ibidem.*

⁷¹ 'China Questions Indian Membership in Nuclear Suppliers Group', *Global Security Newswire*, 18 July 2011, see: http://gsn.nti.org/gsn/nw_20110718_5211.php (accessed on 12 November 2015).

failure to earn the trust of the international community is the result of a sequence of events that have underscored the fragmented nature of the Pakistani state. The military coup against Sharif in late 1999 showcased the power of the Pakistani military to dictate political outcomes inside the country. Pakistan's status as a nuclear outsider was again underscored by revelations that the Pakistani nuclear scientist, A. Q. Khan, had been operating what was widely described as a 'nuclear Wal-Mart'.⁷² The anxieties triggered by elements within the Pakistani state actively operating in a nuclear black market have been further accentuated by fears about the vulnerability of Pakistan's nuclear assets to seizure by disaffected groups within the Pakistani state, perhaps allied to external terrorist groupings. In the eyes of much of the international community, Pakistan still falls some way short of appearing as a trustworthy nuclear sovereign. This fact was underscored most recently during the October 2015 visit of Pakistani Prime Minister Nawaz Sharif to the United States. While commentators speculated that Pakistan was seeking a civil nuclear deal to equal that of India, a senior White House official reportedly declared that the United States was 'not seeking an exception for Pakistan within the Nuclear Suppliers Group to facilitate civil nuclear exports'.⁷³

4. Conclusion

This article has sought to understand how it was that the international community came to accept India as a partial nuclear insider. In doing so, it has advanced towards providing a new answer to the question of who can be trusted with nuclear weapons, other than the one already offered by the NPT. By contrast, Pakistan's status as a nuclear rogue has endured since its tests. Without dismissing the role that material and normative factors played in bringing about India's exemption by the NSG, our narrative has advanced a reading of the case that focuses on shifting perceptions of key members of the international community. This reading has sought to bring to the fore notions of trust and trustworthiness in understanding shifting attitudes and mind-sets in relation to India's nuclear status.

What trustworthiness offers beyond existing normative accounts can be seen in its enrichment of the concept of responsible nuclear sovereignty. The latter concept centres on behavioural norms but does not address what happens when observable behaviour fails to conform to established institutionalised benchmarks. Our narrative shows, in the case of India, that beyond these benchmarks there are less overt behavioural norms that constitute – on their own – sufficient grounds for a state to be recognised as a responsible nuclear sovereign. Responsible nuclear sovereignty, we argue, cannot

⁷² See, for example, C. Clary, 'Dr Khan's Nuclear Wal-Mart', *Disarmament diplomacy*, No. 76, March/April 2004, <http://www.acronym.org.uk/dd/dd76/76cc.htm> (accessed on 14 November 2015).

⁷³ 'Nuclear weapons issue spoils Sharif's trip to the US', *Aljazeera* online edition, 24 October 2015, <http://www.aljazeera.com/blogs/asia/2015/10/nuclear-weapons-issue-spoils-sharif-trip-15102322020297.html> (accessed on 12 November 2015).

solely be measured in terms of overt behaviour. The concept of trustworthiness fills this gap by capturing the role played by less overt behavioural norms. These, in turn, are a function of changing perceptions and collective mind-sets. Our strongest evidence for this claim is that the key players themselves, as we showed in relation to the Talbott–Singh dialogue, invoke the categories of trust and trustworthiness in their own explanations of how it was that the United States came to trust India with the bomb, despite New Delhi’s failure to meet non-proliferation benchmarks.

Turning to materialist explanations, we would argue that our approach raises an important challenge to such accounts. We make two key points here in relation to the NSG decision. First, even if states calibrated their changing responses to India’s nuclear status according to the commercial and strategic benefits promised, such cost-benefit calculations would shift if the relevant actors anticipated that India would abuse these privileges. Indian abuse was certainly a possibility, however, and states accepted a degree of vulnerability in choosing to trust India. Yet, the prior decision about whether India could be trusted with an exemption is crucial to understanding how costs and benefits were framed by members of the NSG. Second, the counterfactual of a Pakistani exemption promising equivalent commercial and strategic benefits supports our argument because of the implausibility – still today – of the NSG risking the costs of misplacing trust in a fragmented and unpredictable Pakistani state.

A further contribution of our analysis is that trustworthiness can be seen to be not merely a permissive factor in the augmentation of international compacts but also an inherently valuable good. India was incentivised by the reward of achieving the status of responsible nuclear sovereignty, yet was firmly committed to its own conception of an appropriate non-proliferation framework and essential national security requirements. For these reasons, it resisted the benchmarks. A focus on trustworthiness offered the international community a means of bringing India into the global nuclear non-proliferation regime without requiring India to give up its nuclear weapons. India could enjoy its newfound status of being recognised as trustworthy while not compromising on its long-held critique of the discriminatory character of the NPT. While the value of states meeting overt institutionalised non-proliferation norms should not be underestimated, the case of India holds out the promise that a focus on trustworthiness provides the international community with a new answer of how to include other nuclear outsiders.

Several years after India was granted the 2008 NSG waiver, for some, the question of Indian *membership* of the NSG now stands as the next test of India’s insider status in the global nuclear order.⁷⁴ NSG consultations commenced in late 2015 on the question of India’s admission, which can only be agreed by consensus, with a view to action in the NSG plenary session in June 2016.⁷⁵ The Obama administration announced its

⁷⁴ Dalton and Krepon, *op.cit.*

⁷⁵ S. Haidar, ‘Nuclear Suppliers may admit India’, *The Hindu* online edition, 31 October 2015, <http://www.thehindu.com/news/national/nuclear-suppliers-may-admit-india/article7824763.ece> (accessed on 12 November 2015).

support for India's entry into the NSG in 2010, and the United States again appears to be in support of an exceptionalist route to Indian membership.⁷⁶ Other governments, notably that of China, remain opposed to an Indian exception.⁷⁷ Some prefer an approach to membership that is based on set criteria, allowing for the possibility that Pakistan, too, may be granted NSG membership.⁷⁸ Yet, while a 2015 report, jointly issued by two prominent US think tanks, proposed NSG membership as a way for Pakistan to 'become a normal, nuclear state', its authors conceded that, still, 'India's nuclear weapons are widely perceived to be less threatening than Pakistan's'.⁷⁹ In other words, India has become recognised as a trustworthy nuclear sovereign, whereas Pakistan has not.

⁷⁶ Dalton and Krepon, *op.cit.*, p. 28.

⁷⁷ For the context of Chinese opposition to India's membership to the NSG, see: N. Horsburgh, 'Chinese Views of a Nuclear India: From the 1974 Peaceful Nuclear Explosion to the Nuclear Suppliers Group Waiver in 2008', in K. Sullivan, *Competing Visions of India in World Politics: India's Rise Beyond the West*, Basingstoke: Palgrave, 2015, pp. 34–48.

⁷⁸ Dalton and Krepon, *op.cit.*, p. 28.

⁷⁹ *Ibidem*, pp. 4; 36.