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RE-ASSESSING THE INTERNATIONAL NUCLEAR NON-ROLIFERATION REGIME: A COMPARISON BETWEEN INDIA AND NORTH KOREA[1]

India's nuclear tests in 1998 greatly challenged the existing international nuclear non-proliferation regime that had been carefully maintained by the international community since the 1960s. Yet, what is surprising is the response from the international community. Although major world powers imposed sanctions on India, those sanctions were relatively moderate and were lifted over the course of the next few years. More strikingly, in August 2007, India and the United States reached an agreement on civilian nuclear cooperation, effectively ratifying India's admission to the nuclear club of nations, despite earlier US criticism of India's moves to go nuclear. Critics of the India-US deal argue the US handling of Indian nuclearization greatly undermine attempts by the international community to prevent other states such as the Democratic People's Republic of Korea (DPRK, North Korea) from acquiring nuclear weapons, which in turn may potentially contribute to a nuclear arms race in Asia. In fact, international responses to India's and North Korea's nuclear programs present opposite approaches in dealing with nuclear proliferation. While most countries from the international community, particularly the U.S., have ultimately recognized India's nuclear-power status following its 1998 nuclear test, they have taken a much harder line towards North Korea following its nuclear tests in 2006 and 2009. By making a comparison between these two cases, this article assesses the effectiveness of the existing international nuclear non-proliferation regime, and discusses the potential problems associated with the Indian and North Korean acquisition of nuclear weapons.

Keywords: *Nuclear Non-proliferation Regime, Nuclear Program of India, US-India Nuclear Agreement, Nuclear Program of North Korea, Six-Party Talks*

Introduction

Nuclear explosion tests by India in 1998 and the Democratic People's Republic of Korea (DPRK, North Korea) in 2006 greatly challenged the existing

1 A preliminary version of this article was presented at the Workshop as part of the Project of Historical Reconciliation and Cooperative Security in East Asia, Eugene and Portland, OR, USA, on May 14-17, 2010. The research on India's nuclear program and US-Indian nuclear agreement was conducted during the author's visit as short-term researcher to Department of East Asian Studies, Delhi University in 2009 and Institute for Defense Studies and Analyses, India, in 2010.

nuclear non-proliferation regime carefully maintained by the international community since the 1960s. Yet, what rather surprising are the different attitudes of the international community in handling both cases. Although most countries imposed sanctions on India immediately after its nuclear test, those sanctions were relatively moderate and were lifted within the next few years. In March 2006, India and the United States reached an agreement on civilian and promised to provide technological assistance in exchange for the India's consent to place its civilian nuclear facilities under international surveillance. On the other hand, when North Korea conducted its first nuclear test in October 2006, virtually all countries demonstrated a more assertive opposition towards it. The United Nations Security Council soon passed Resolution 1718 to condemn the North Korean government and impose economic sanctions, claiming its nuclear test to be in violation of the nuclear non-proliferation regime and an immediate threat to regional stability. Although the condemnations and sanctions pushed North Korea into greater isolation its leaders conducted a second nuclear test in May 2009. The Six Party Talks, the only platform to engage with North Korea on dismantling its nuclear program, have been a complete failure.[2]

Meanwhile, much of the discussion on the nuclear crisis in North Korea focuses on how this semi-pariah nation leveraged its power through "nuclear politics," while the entire world (i.e. the US) was inept and unable to stop this patrimonial regime from acquiring nuclear weapons.[3] Although some scholars have noticed the vulnerability of the existing international nuclear non-proliferation regime and have offered concrete proposals for its reform, few have linked the North Korean case to the Indian nuclearization case of a few years earlier.[4] In fact, India and North Korea present opposite approaches in dealing with nuclear proliferation. The international community has tried to place India's nuclear program under international surveillance by recognizing its nuclear-power status, while adopting a more coercive strategy toward North Korea. This difference may explain why North Korea refused to abandon its nuclear program: its real objective is to be accorded the status and prestige of a nuclear power on par with India. If this is the case, as Victor Cha suggests, the ideal outcome Pyongyang expects is an agreement similar to that with India in which "North Korea accepts safeguards and monitoring under the International Atomic Energy

2 Pakistan and Israel are two other countries that have acquired nuclear weapons have refused to join NPT. Discussions of both cases may provide a fuller picture of the nuclear proliferation issue, but the author decided to focus only on India and North Korea for two reasons: first, the international community attempted to create a new category for India under current nuclear non-proliferation regimes; second, observers to North Korea have indicated that Pyongyang's real intention is to secure its nuclear-power status similar to that of India.

3 Donald C. Hallmann, "Introduction to the Special Issue on North Korea's Nuclear Politics," *Asian Perspective*, vol. 34, no. 1, (2010), 5-9.

4 Jack I. Garvey, "A New Architecture for the Non-Proliferation of Nuclear Weapons," *Journal of Conflict & Security Law* Vol. 12 No. 3 (2008), 339-357; Graham Allison, "Nuclear Disorder," *Foreign Affairs* vol.89, no.1 (Jan./Feb. 2010), pp.74-85; Gregory Schulte, "Stopping Proliferation before It Starts," *Foreign Affairs* vol.89. no.4 (July/Aug., 2010), 85-95.

Agency (IAEA) but is also assured of a civilian nuclear energy program."[5] By doing so Pyongyang can keep part of its nuclear program beyond the reach of international inspectors and make it an effective nuclear deterrent.

This article attempts to answer two questions: Firstly, why did the international community weigh the India case differently from North Korea's? Secondly, why did the US adopt such a generous stance to the former contrasted towards the latter? The main proposition is that the double standards the US (as well as the international community) applied toward the nuclear issue in India has undermined the Nuclear Non-Proliferation Treaty (NPT), the primary international regime designed to prevent non-nuclear countries from acquiring nuclear material and technologies. This has ruined the success of any attempt by the international community to persuade North Korea to abandon its nuclear program in the future. The first two parts of the article will outline India's nuclear program and the developments of the India-US nuclear deal. This is followed by a brief discussion of the North Korean case. On the Indian case, the discussion will concentrate on how its political leaders gradually shifted their attitudes from the anti-nuclearization of India to advocating nuclear tests, and how the US suddenly changed course in its strategy towards New Delhi after the 9-11 terrorist attack of 2001. Discussing the North Korean case is a more challenging task since its decision-making process and nuclear-weaponry status are still shrouded in secrecy. The analysis is mainly based on media sources and commentaries from international observer groups such as the Bulletin of Atomic Scientists. The fourth and fifth parts examine why the international community considers India as a different case from North Korea, and why the US formulated divergent approaches for dealing with both cases. By making a comparison between India and North Korea, the article attempts to uncover how these two approaches were formulated over time, and why the double standards adopted by the international community have challenged the effectiveness of the existing international non-proliferation regime.

India's Nuclear Program

India's nuclear program started quite early. Before gaining independence, Homi Bhabha, an Indian physicist trained in Britain, had established the Tata Institute of Fundamental Research (TIFR) to commence research in the new field of atomic energy. In 1957, the Indian government recruited nuclear scientists from TIFR to establish the Atomic Energy Establishment at Trombay, and made it the flagship research facility on nuclear energy in the country.[6] India's nuclear program went swimmingly in the 1950s and 1960s. In 1965, Bhabha even

5 Victor Cha was deputy chief of US delegation to the Six Party Talks during the Bush administration. See Cha, "Up Close and Personal, Here is What I Learned," *The Washington Post*, June 14, 2009, http://www.washingtonpost.com/wp-dyn/content/article/2009/06/12/AR2009061202685_pf.html.

6 The institute was renamed Bhabha Atomic Research Center (BARC) after Bhabha's death in 1966.

claimed that India could become a nuclear power within 18 months.[7] The reason that India did not go nuclear was the political, economic, and moral concerns that dominated the debate. Politicians and scientists were engaged in two primary rounds of debates on the nuclear option in 1964 and 1968:The first round was conducted in 1964-65, right after China detonated its first atomic bomb at Lop Nor, while the second was introduced in 1968, when India was pressed by the international community to sign the Nuclear Non-Proliferation Treaty (NPT). The first round of debates generated a compromised policy of pursuing the "peaceful use of atomic energy".[8] The result of the second debate was that India decided not to sign the NPT but did not oppose it either. In the face of domestic opposition, the Indian government conducted the first nuclear explosion test in 1974, claiming it a peaceful nuclear explosion.[9]

At the same time, Indian strategists started to develop a nuclear doctrine. One popular view was "recessed deterrence": India could develop and store nuclear weapons without formally declaring it, which would provide a security umbrella in case was threatened India with nuclear weapons. If such a threat arose, India could weaponize its nuclear devices on short notice. Recessed deterrence had never been fully recognized by the government, and, as India did not really acquire nuclear weapons, its leaders were reluctant to discuss a nuclear doctrine. In the 1980s, nuclear proponents became more active in politics as well as in the strategic circle, and most of the focus was on developing deterrence capabilities to respond to "growing external threats," namely Pakistan and China.[10] The US was also considered as an outside great power with the intention to interfere in South Asia.

In 1988, Indian Prime Minister Rajiv Gandhi proposed the Action Plan at the Third Special Session on Disarmament of the United Nations General Assembly at New York on 19 June 1988, calling for international and regional nuclear disarmament. His proposal received a cold response from the international community, particularly those nuclear powers. Consequently, Rajiv Gandhi ordered the Defense Research and Development Organization to cooperate with the Indian Atomic Energy Agency to restart the nuclear program.

Another factor that influenced India's decision to conduct a nuclear test was the Western pressure to sign the Comprehensive Test Ban Treaty (CTBT) in the mid-1990s. Although India was one of first few states in the world to raise the idea of banning all nuclear tests, the proposed CTBT was considered in India as a Western strategy to preclude India's nuclearization. This belief was strengthened by American officials in the 1990s stating the US goal is to cap,

7 Stephen Phillip Cohen, *India: Emerging Power* (Brookings Institution, 2002), 159.

8 George Perkovich, "Bhabha's Quest for the Bomb," *Bulletin of Atomic Scientists* (May/ June 2000), 56.

9 Communist and some socialist parties formed the anti-nuclear weapon group in this period, while Jana Sangh, the forerunner of Bharatiya Janata party (BJP), and some Congress leaders such as K. C. Pant, were in favor of the nuclear program. See Cohen (2002), 159-60.

10 Cohen (2002), 167.

reduce, and eliminate India and Pakistan's nuclear capabilities.[11] In June 1996, when Ambassador Arundhati Ghose represented the Indian government at the Conference on Disarmament in Geneva, she announced that the country's security interest shall not be compromised by signing the Treaty. When Lok Sabha, the lower house of the Indian parliament, began to debate the treaty later that year, the anti-CTBT view soon dominated the debate.

In December 1995, Prime Minister Narasimha Rao attempted to conduct nuclear tests but failed to do so due to detection by the United States, which was apparently the only country with enough power to influence India in the post-Cold War era. Rao later urged his successor, AB Vajpaee, to continue the nuclear program.[12] It is believed that Vajpaee government's decision to conduct nuclear testing in 1998 was driven by its security concerns with regard to China and Pakistan, and, more importantly, the nationalistic ideology of his Bharatiya Janata Party (BJP), which had long advocated a nuclear India.[13]

The election of 1998 saw the BJP return to power. In fact, Vajpaee had tried to conduct a nuclear test in May 1996 when the BJP first won a national election, but was unable do so because his government lasted only 13 days—it was replaced by a center-left coalition known as the United Front. Therefore, when the BJP came to power again (in the name of National Democratic Alliance) and with the help of other regional parties such as the AIADMK from Tamil Nadu in March 1998, its leaders were eager for nuclear testing.

From Nuclear Tests to India-US Nuclear Deal

On May 13 and 15, 1998, India detonated five nuclear devices and announced its status as a nuclear weapons state. This caught the rest of the world by surprise, particularly the existing nuclear-power states. The US government was shocked because its intelligence failed to warn the administration about the tests. As late as 1996, the Indian government still reiterated its non-nuclear policy, and the US estimated that anti-nuclear groups still dominated the nuclear debate in India. Some dubious information also misled the US government: A week before the 1998 test, the BJP government's foreign policy advisor N. N. Jha stated in Colombo, Sri Lanka, that India may declare to be a nuclear power absent testing. Non-nuclear powers, notably Canada, Australia, and Japan, imposed sanctions on India immediately thereafter. China, the only nuclear power that felt directly threatened by India's nuclearization, reacted strongly because New Delhi defended its nuclear program as a response to a China threat.

Among the great powers that reacted negatively to India's nuclear test, the US deserves greater consideration. Although the US government imposed sanctions against India immediately following the tests, most of those

11 Ibid. 173.

12 PR Chari, "Remarks on the Seminar of Indo-Pak Nuclear Tests: Ten Years Later," May 16, 2008, Institute of Peace and Conflict Studies website, www.icps.org

13 For discussions about BJP's role in the nuclear program, see Srini Sitaraman, "Domestic Politics and Grand Foreign Policy Motivations of the Indian Nuclear Weapons Program," *Journal of South Asian and Middle Eastern Studies*, vol.14, no 1 (Fall 2000), 57-74.

sanctions were lifted by 2000. The US government was more concerned about the effectiveness of the command and control systems in India rather than the threat the nuclear weapons countries posed to US military forces in South Asia and the Indian Ocean.[14] But when India and Pakistan, which had been fighting for decades over Kashmir, simultaneously became nuclear powers, the possibility of a surprise attack from either side emerged as the nightmare facing a nuclear South Asia.

The US adopted a new path for dealing with the nuclear problem in India. The key objective was to negotiate a framework with the government in New Delhi to place India's nuclear facilities under international surveillance. In November 2001, two months after the September 11 terrorist attacks, Indian Prime Minister AB Vajpaee visited the US. President George W. Bush told him that his government was adopting a fundamentally different relationship with India, which is to cooperate with India in combating global terrorism. A Joint Working Group to Counter Terrorism was later established for dealing with increasing exchanges and technology cooperation in the security field between both countries. [15]

A real breakthrough in India-US relations came in July 2005, when the new Prime Minister, Manmohan Singh, from the Indian National Congress (INC), visited Washington D.C. During the trip, he made an unprecedented agreement with President Bush that enabled both countries to develop a strategic partnership on defense, calling it the *Next Step for a Strategic Partnership*. In the same agreement, the US government also allowed India to receive civilian nuclear reactors from the US even though India was not a signatory to the NPT. As a result of the deal, the US government formally recognized India as a nuclear power, and began to negotiate with the government about placing its nuclear program under international surveillance. The Indian-US nuclear cooperation was formalized in March 2006, when President Bush visited New Delhi.

The agreements are violations of the NPT as well as the position of the Nuclear Suppliers Group (NSG), an assembly composed of 45 nuclear supplier states aimed at preventing non-nuclear states from acquiring nuclear material and technology. What is especially ironic is that the American laws prohibiting the US transfer of nuclear technologies were enacted in the mid-1970s in response to India's nuclear test of 1974, and that was formed in 1975 to prevent countries like India from acquiring nuclear material and technologies. The Bush government's granting of India such privileges can be seen as a destruction of existing international regimes on nuclear proliferation. One possible explanation in changes of US policy toward India, as provided by Steven Wiseman, chief diplomatic correspondent for the *New York Times*, is that the Bush administration came to office with a lot of China-bashing-type thinking compared to Clinton

14 For details about US sanctions against India (and Pakistan), see Dinshaw Minstry, "Diplomacy, Sanctions, and the US-Nonproliferation Dialogue with India and Pakistan," *Asian Survey*, vol. 39. no. 5 (Sep./Oct. 1999), 753-771.

15 Zhang Guihong, US-Indian Security Relations: Implications for China, *South Asian Terrorism Portal*, http://www.satp.org

administration's pro-China stance by selling weapons to China. The Bush administration just wanted to do everything it could do to tame China's military ambitions. [16]

According to the India-US nuclear deal of March 2006, the US government promised to modify its non-proliferation laws and facilitate cooperation with India on nuclear issues. India, in turn, agreed to separate its civilian nuclear program from military ones, and abide by the international non-proliferation regime. In the next three years, both the Bush and Singh administrations, worked hard towards getting approval from their respective legislatures on the agreement. The IAEA entered the process at this stage, as it had to negotiate with India on the details of inspecting non-weapons nuclear facilities. However, neither the Indian nor the US governments were confident India would acquire the waiver from the NSG. [17] On the Indian side, the United Progressive Alliance, the ruling coalition of the Indian government under the leadership of the Indian National Congress, passed the confidence vote in Lok Sabha in July 2008 formally endorsing the India-US nuclear deal. The government wisely used the energy shortage as a pretext for winning support from the public and certain opposition parties.[18]

On the US side, President Bush signed the Henry Hyde United States-India Peaceful Atomic Energy Cooperation Act in December 2006, giving the green light for the US transfer of nuclear technologies to India. The House of Representatives and Senate ratified the deal in September and October 2008, respectively.[19] On August 1, 2008, the IAEA approved the safeguards agreement with India. Soon after that, the United States formally requested the NSG to grant a waiver to India for commencement of civilian nuclear trade. The NSG granted the waiver to India on September 6, 2008, which allowed India to access civilian nuclear technology and fuel from other countries. This makes India the only country with nuclear weapons that is not a signatory member to the NPT but still allowed to carry out nuclear commerce with the rest of the world.

Chronology of India's nuclear development

1957	Indian government sets up Bhabha Atomic Research Center (BARC).
1964	China detonates first nuclear device, prompting India to begin its first nuclear debate.
1968	India decides not to sign the Nuclear Non-Proliferation Treaty (NPT)
1974	India conducts its first nuclear explosion, claiming it to be peaceful.
1988	Prime Minister Rajiv Gandhi ordered the Defense Research and Development Organization to cooperate with the Indian Atomic Energy Agency to restart the nuclear program.
1995	Prime Minister Narasimha Rao attempts, but fails, to conduct nuclear tests.
1996	Lok Sabha, the lower house of Indian parliament, debates the signing of Nuclear Comprehensive Test Ban Treaty (CTBT)
May 1998	India detonates five nuclear devices, becoming a nuclear power; international community imposes sanctions on India.

16 "Q&A; US-India Nuclear Pact," *New York Times*, July 20, 2005, http://www.nytimes.com/cfr/international/slot1_072005.html?pagewanted=1

17 John Cherian, "Long Way to Go," *Frontline*, August 1 2008, 20-21.

18 R. Ramachandran, "Project in Peril," *Frontline*, August 1, 2008, 22-25.

19 "Senate Approves Indian Nuclear Deal," *New York Times*, October 2, 2008, http://www.nytimes.com/2008/10/02/washington/02webnuke.html?_r=1

September 2001	US president George W. Bush lifts sanctions against India; both countries agree to cooperate in the field of global war on terrorism.
July 2005	India and the US agree to develop strategic partnership on defense issues; US government also allows India to procure civilian nuclear reactors from the US.
March 2006	US-Indian nuclear deal signed.
July 2008	Singh government of India passes the confidence vote in the Lok Sabha.
August 2008	IAEA approves the safeguards agreement with India NSG granted India the right to purchase material and technologies from nuclear suppliers
October 2008	US Senate ratified the US-Indian civilian nuclear deal.

Nuclear Program of North Korea

The North Korean case presents us with a vastly different picture of the nuclear issue. In 1993, when its nuclear program was first uncovered by the IAEA, North Korea threatened to withdraw from NPT, and refused IAEA inspectors access to its nuclear site. In the following year, the US intervened by negotiating a deal with North Korea, in which Pyongyang agreed to dismantle its plutonium program in exchange for light-water nuclear reactors and fuel oil provided by South Korea and the US. The Korean Peninsula Energy Development Organization (KEDO) was established to implement this agreement, but it failed to build light-water reactors because of budget constraints, and the US did not provide North Korea with enough fuel oil as promised.

Crisis broke out again in October 2002, when the US suspected that North Korea was resuming its nuclear program and asked KEDO to suspend all fuel oil shipments. North Korea responded by formally withdrawing from NPT in January 2003, and threatened to launch a preemptive strike against US forces stationed on the Korean peninsula. To solve the crisis, the Chinese government invited the US and North Korean representatives to start negotiations in Beijing in April 2003. The negotiations became the Six Party Talks, comprising China, US, North Korea, South Korea, Japan, and Russia, in August of that year. The talks provided a framework for great powers with interests in the region to discuss with North Korea directly on finding a resolution for the nuclear crisis.

The first three rounds of the talks did not make much progress, but September 2005 saw a "breakthrough"—at least it appeared to be so at that time— in the fourth round, as North Korea suddenly agreed to abandon its nuclear program and promised to return to the NPT as soon as possible. At this stage, the Six Party Talks seemed to have achieved two goals that were considered unimaginable before: binding all major powers in Northeast Asia together to create a political coalition with a common objective and convincing a "rogue" state to give up its nuclear weapons. Some analysts even predicted that the talks "would be a great opportunity to begin to build new security institutions in one of the most volatile regions in the world."[20]

On October 9, 2006, North Korea surprised the entire world again

20 Peter Van Ness, "Why Six party Talks Should Succeed," *Asian Perspective* Vol. 29, No. 2, (2005), 244.

by announcing a successful detonation of nuclear devices, declaring itself as a nuclear state.[21] The United Nations Security Council unanimously passed Resolution 1718, denouncing the act and imposing sanctions on North Korea immediately. North Korea's nuclear test directly challenged the legitimacy of the Six Party Talks as the negotiations had been considered by all members to be the most salient way to deal with Pyongyang. Japan even threatened to withdraw from the talks. However, since the North Korean government considered the nuclear test as a demonstration of national will and power rather than a necessity driven by technological developments, a successful detonation of nuclear devices granted Pyongyang enough confidence to face great power pressure. Pyongyang finally agreed to return to the negotiation table and the Six Party Talks resumed in February 2007. In the third phase of the fifth round, North Korea finally agreed to freeze its nuclear facilities in Yongbyong, and the other five parties agreed to provide energy oil to North Korea again. On July 14, 2007, after receiving fuel aid from South Korea, North Korea declared the closure of its nuclear facilities and its willingness to dismantle the entire nuclear program. IAEA inspectors later confirmed that Pyongyang facilities had been shut down.

When the international community began believing the Six Party Talks to be an effective channel to force North Korea to abandon its nuclear weapon program, on April 14, 2009 Pyongyang suddenly announced its withdrawal from the talks and declared it would not take part in the talks again. Apparently, this withdrawal was in retaliation to the statement by UN Security Council the previous day condemning North Korea's failed "satellite" launch—the international community suspected the satellite was in fact a Taepodong-II long-range ballistic missile. [22] A few weeks later, Pyongyang again surprised the world by conducting a new nuclear explosion test on May 25 2009. Martin Kalinowski of the University of Hamburg argued that the test was more successful than the first one as its explosive yield (about 4 kilotons of TNT) was much higher than the estimate of 0.5-0.8 kilotons of TNT in 2006.[23] Yet another report based on seismic data claimed that although this second test was larger than the first one in 2006, it was still far short of the expected yield of a Hiroshima-type device. One possible explanation is that the device failed to explode properly. If the North Koreans built and detonated a plutonium bomb correctly, the explosion should yield 10-20 kilotons.[24]

21 As late as 2005, certain US analysts were still convinced that North Korea' nuclear program confronted certain technological obstacles and was unable to create a nuclear bomb. See Selig S. Harrison, "Did North Korea Cheat?" *Foreign Affairs* vol.84. no. 1 (Jan./Feb. 2005), 99-110.

22 "Security Council Condemns Launch by Democratic People's Republic of Korea, Agrees to Adjust Travel Ban, Assets Freeze, Arms Embargo Imposed in 2006," UN Press Center, April 13, 2009, http://www.un.org/News/Press/docs/2009/sc9634.doc.htm

23 Martin Kalinowski, "Second nuclear test conducted by North Korea on 25 May 2009," Carl Friedrich von Weizsaecker Centre for Science and Peace Research, Universitaet Hamburg, May 25, 2009, http://www.armscontrolwonk.com/file_download/177/Kalinowski.pdf

24 Jeffrey Park, "The North Korean nuclear test, What the seismic data says," *Bulletin of Atomic Scientists Analysis*, May 26 2009, http://thebulletin.org/web-edition/features/the-north-korean-nuclear-test-what-the-seismic-data-says

Again, the United Nations Security Council unanimously passed Resolution 1874 on June 12 to impose further economic sanctions against North Korea. The resolution also allowed UN member states to inspect and destroy any cargo from North Korea if the cargo contained goods suspected of being connected to its nuclear program.[2526] The following day, Pyongyang issued a statement condemning the resolution by calling it "another vile product of the U.S.-led offensive of international pressure aimed at undermining the DPRK's ideology and its system." The statement even claimed the second nuclear test to be "a self-defensive measure as it was conducted to cope with such hostile acts of the U.S."[27]

	Chronology of North Korea's nuclear development
1993	North Korea threatened to withdraw from NPT
1994	US reached an agreement with North Korea, promising to provide reactors and fuel oil in exchange for North Korea's abandonment of its nuclear program
1995	KEDO was set up to monitor and implement the US-North Korea deal
October 2002	North Korea publicly recognized it had resumed its nuclear program; US approached KEDO to stop energy aid to North Korea.
January 2003	North Korea formally withdrew from NPT
April 2003	China invited the US and North Korea to negotiations in Beijing
August 2003	The Six Party Talk debuted in Beijing
September 2005	North Korea agreed to abandon its nuclear program and return to NPT during the fourth round of the Six Party Talks.
October 2006	North Korea claimed to have successfully detonated nuclear devices; United Nations Security Council (UNSC) imposed sanctions immediately
February 2007	Six Party Talk resumed; North Korea agreed to freeze its nuclear facilities and permit IAEA inspections
July 2007	North Korea shut down nuclear facilities, which is later confirmed by IAEA.
April 2009	North Korea withdrew from Six Party Talks in retaliation for the UNSC's statement condemning its missile-launching test
May 2009	North Korea conducted a second nuclear test. The test was a success as its explosive yield (4kt) was much higher than that of the previous test
June 2009	UNSC passed Resolution 1874 imposing further economic sanctions against North Korea
November 2010	Chinese government called for Six Party Talks emergency consultation meeting, but was rejected by South Korea and Japan.

25 "UNSC Resolution 1874," UN Press Center, http://www.un.org/News/Press/docs//2009/sc9679.doc.htm

26 Since June 2009, US, South Korea, India, Thailand, United Arab Emirates, and South Africa have detained or searched North Korean ships or cargos under the terms of Resolution 1874. However, a report issued by US Congressional Research Service showed that US was concerned about how China implemented economic sanctions as China's exports of luxury goods by China to North Korea is around US$100-160 million a year. See: Mary Beth Nikitin, Mark E. Manyin, Emma Chanlett-Avery, Dick K. Nanto, and Larry A. Niksch, "North Korea's Second Nuclear Test: Implications of U.N. Security Council Resolution 1874," *US Congressional Service Report* (April 15, 2010), http://www.fas.org/sgp/crs/nuke/R40684.pdf,

27 "DPRK Foreign Ministry Declares Strong Counter- Measures against UNSC's "Resolution 1874," Korean Central News Agency (KCNA) of DPRK, June 13, 2009, http://www.kcna.co.jp/index-e.htm.

Why India differs from North Korea?

The NPT is the most important regime for controlling the spread of nuclear weapons and technologies in the world today. Since its creation in 1968, 187 countries have become signatories. The only countries that have not signed NPT are India, Pakistan, and Israel. North Korea ratified the treaty in 1985 but announced its withdrawal in January 2003.[28] The framework of the NPT divides all signatory states into one of two categories: those with nuclear weapons (nuclear-weapon states) and those without nuclear weapons (non-nuclear-weapon states). Those who do not possess nuclear weapons and promise not to develop nuclear weapons (falling into the second category) are guaranteed the right to acquire nuclear technologies for peaceful use. For the past four decades, this regime has functioned well—the international community has successfully pressured certain countries from developing nuclear weapons by using NPT as a tool;[29] and, when the Cold War ended, had persuaded the former Soviet republics to give up their nuclear weapons in return for access to nuclear power technologies (except Russia).

This distinction, however, does not include those countries which aspire to develop nuclear weapons and are not signatories to the NPT: India, Pakistan, and Israel. Nor does it include the countries insisting upon developing nuclear weapons and thus withdrawing from NPT: North Korea. Since India's nuclear-weapon-state status is recognized by the international community, this indicates the NPT will only punish those countries that signed the NPT first and then decided to withdraw from it. Why is the international community more tolerant towards countries such as India that refuse to be bounded by the NPT? One explanation is that India is a more "responsible" state than North Korea, and that India needs to develop nuclear weapons to achieve its strategic purposes. In other words, India is different from North Korea.

Advocates for a nuclearized India argue that the country is different from North Korea in three ways: First, India is a democratic country with a strong tradition of civilian control over the military, while North Korea is run by Kim Jong-il's family with a strong fear of being overthrown by its people or by foreign countries. A democratic government in India ensures that its nuclear weaponry will be always under effective control. Second, Indian leaders consider a nuclear deterrent necessary to national security. For the past four decades, the power balance between China and India has been in China's favor, and Pakistan, the long-time rival of India, has worked towards developing nuclear weapons and succeeded in 1998. India simply needs nuclear weapons as an effective deterrent against those threats. For North Korea, nuclear weapons are a bargaining instrument for other purposes. Moreover, India sees the testing of its nuclear weapons as an achievement towards great-power status, while North Korea does not reveal such an intention. Third, so far there is no evidence that India received

28 Taiwan is not a signatory member either, because it is not a member of the United Nations.

29 South Africa, Taiwan, Brazil, and Argentine, all gave up their nuclear programs in the 1980s or 1990s. Except Taiwan, all other countries became signatories of NPT afterwards.

assistance from other countries to develop its nuclear program, and India has reiterated its intention not to export or transfer its nuclear technologies to other countries. On the other hand, there have been rumors that North Korea received technological support from Pakistan and is likely to assist other countries such as Iran in the development of nuclear power. [30]

It is necessary to re-evaluate these assessments - the first concerns the political system. Past experiences show that authoritarian regimes have been more enthusiastic in nuclear programs, as their leaders may consider producing nuclear bombs a better way to garner popular support, thus consolidating their legitimacy. In other words, a *normal* country will not be interested in pursuing nuclear weapons. Countries that had nuclear ambitions for political or strategic reasons, such as South Africa, Taiwan, Brazil, and Argentine, all gave up their nuclear programs after democratization. In fact, it is quite rare for a mature democracy to develop nuclear weapons, as the democratic mechanism usually prevents governments from allocating too many resources, financially and technologically, to building a big bomb. When discussing the India case, the question is not whether a democratic state has the right to possess nuclear weapons, but how anti-nuclear groups had successfully prevented the INC government from obtaining the budget for sustaining nuclear research from the 1950s to 1980s, but then failed to do so in the 1990s.

On closer examination, one finds that democratically elected leaders in India have long opposed the NPT distinction and used it as an excuse to reject being part of the treaty. In the 1960s, Indians were convinced that the NPT granted existing nuclear-weapon states tremendous power and influence on the non-proliferation issue, which was unfair for non-nuclear states like India. But since India became a nuclear state in 1998, public opinion soon shifted to a new position that the NPT simply lacks the ability to manage countries' aspirations. As Munish Puri, an Indian strategic analyst argues,

> when the 'nuclear not-yets' become 'nuclear haves,' they challenged the NPT's distinction system… Those within the NPT will not accept the "outliers" as nuclear weapon states but only as non-nuclear weapon states, while those outside of NPT will not rollback their nuclear arsenals.[31]

Public polls conducted in India also show that Indians generally support the India-US nuclear agreement because it grants India better status than that under the NPT. A poll in *Hindustan Times*, the third largest daily English newspaper in India, found that 78 per cent of respondents thought Prime Minister Singh was more patriotic than Parakash Karat, the leader of the Communist Party, which was part of the ruling coalition but strongly opposed the agreement. An online

30 For a comparison among nuclear-weapon states, see: Dana R. Dillon and Baker Spring, "Nuclear India and the Non-Proliferation Treaty," *Backgrounder*, No. 1935, May 18, 2006, Heritage Foundation, www.heritage.org

31 Munish Puri, "India and NPT: A Nuclear Existential Dilemma," Institute of eace and Conflict Studies (IPCS) website: http://www.ipcs.org/article/india/india-and-the-npt-a-nuclear-existential-dilemma-1731.html

poll by *Times of India*, with the largest circulation among all English-language newspapers in the world, found even more support for the Singh government with 96 per cent of respondents saying the nuclear deal was in India's interests.[32] The Indian case shows that a democratic society may be more receptive to public opinions: public might oppose the nuclear program at one time and support it another time, depending on whether political leaders need public support to proceed with their plans.

Strategic consideration is another reason for the Indian government to justify its nuclear program. India has pursued nuclear weapons for very practical reasons: it faced direct and immense threats from both Pakistan and China. The former has been a long-time rival, and the hostility is unlikely to disappear in near future, while China has territorial disputes with India. More importantly, China has been a nuclear power since 1964, and had actually defeated India in 1962. One Indian senior diplomat even said that India is the only country in the world to have fought five times with neighbors since independence (four with Pakistan and one with China). Nuclearization gave India more confidence in dealing with other great powers and the countries directly threatening India. As Raja Mohan indicates:

> Having failed to test (nuclear) weapons before the Nuclear Nonproliferation Treaty was drafted, in 1968, India was trapped in an uncomfortable position vis-à-vis the nuclear order: it was not willing to give up the nuclear option, but it could not be formally accommodated by the proliferation regime as a nuclear power state...[33]

With nuclear capabilities, Indian leaders have become more confident in discussing India's role in world affairs, and it is likely to use its new status to negotiate a new framework for relations with other great powers.[34]

Although India's nuclear program is a clear violation of the NPT regime, it is quite consistent in keeping with the promise of not exporting or transferring its nuclear weapons to other countries. The Minister of External Affairs K Natwar Singh declared in 2006:

> Article I of the NPT obliges a nuclear weapon state not to transfer nuclear weapons to any other country or to assist any other country to acquire them. India's record in this regard is impeccable and a matter of public knowledge. This is in contrast to the poor record of some of the nuclear weapon states who have been active collaborators in, or silent spectators to, continuing clandestine and illegal proliferation, including export of nuclear weapon components and technology.[35]

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32 Indians oppose communists over nuclear deal, *the Age News*, http://www.theage.com.au/articles/2007/08/24/1187462521955.html

33 C. Raja Mohan, "India and the Balance of Power," *Foreign Affairs*, vol. 85, no. 4, July/August 2006, p. 17.

34 C. Raja Mohan's article demonstrates this view. See: Mohan (2006).

35 K Natwar Singh, "India and the NPT," address at the Seminar on Emerging Nuclear Proliferation Challenges, March 28, 2005, Institute of Defense Studies and Analyses (IDSA) website: http://www.idsa.in/node/1556

There is no denying India is a responsible nuclear power. This can be attributed to the strong and consistent anti-nuclear tradition in the society, and the tradition of civilian control over the military. From this perspective, India is indeed different from North Korea: the former had publicly debated the nuclear option for over three decades prior to the 1998 tests, while the latter had no such discussion.

Therefore, the reason that the international community is more tolerant of India's nuclear program than North Korea's is that the former has shown more transparency and prudence in the decision-making processes, and has made strong commitments not to export its technologies. India's attitude was later rewarded by securing its status as a nuclear-weapon state outside of NPT. Although this arrangement might benefit both India and NSG members, it has also undermined the NPT as an effective anti-nuclear proliferation regime. It is quite unlikely that India will join the NPT in the near future, but will support discussions of building some new consensus of non-proliferation outside of the NPT framework in which India could be a participant:

> What is warranted at this juncture is the need to evolve a consensus outside of the NPT about the kind of scaffolding that could be built to quarantine the new nuclear challenges and some initiatives have already been taken," argues C. Uday Bhaskar, Deputy Director of IDSA in New Delhi. [36]

Conclusion: The US Role and Future Challenges to NPT

The cases of India and North Korea demonstrate two different ways for the international community to handle countries in violation of the non-proliferation framework design of the NPT. Yet in both cases, it was and is the US, rather than United Nations Security Council or IAEA, that decides how to handle the issues. When the US started negotiating with India on the nuclear agreement in 2005, there was considerable debate in the US about whether it was the right thing to do. Critics say the US recognized India's nuclear status without receiving a clear promise from India of cooperation with the US on the war against terror. India, in contrast, retained the right to decide which nuclear facility was civilian by nature and would henceforth be placed under international supervision. In short, the US side of the deal was clear but it was not clear what India would offer in return. Yet, the predominant view was that it was too early to say whether the deal would succeed.

> There is a chance that India will not deliver on the strategic partnership, especially if cooperating with the US means abandoning positions it once endorsed as a leader of the Nonalignment Movement and siding decisively with Washington on a range of security issues," warned Ashton Carter at the time.[37]

Some scholars offered an alternative view, claiming recognizing India's (as well

36 C Uday Bhaskar, "Look Beyond NPT's Framework," *Times of India*, June 14, 2005.

37 Ashton Carter, America's New Strategic Partner, *Foreign Affairs*, July/August 2006; "A Nuclear Test of Wills, India and America," *Economist*, April 28, 2007, p. 76.

as Pakistan and Israel's) nuclear power status as the best way towards reforming the NPT regime. [38]After IAEA and NSG granted the waiver to India in 2008, the debate about whether the international community was doing the right thing on India's nuclear program came to an end. The US-Indian nuclear agreement created an entirely new category for India, under which New Delhi has more rights and fewer obligations than non-nuclear-weapon states, and has more obligations than nuclear-weapon states. The latter has no obligations at all. For India, nuclearization serves two purposes. The practical one is to be an effective deterrent against threats from China and Pakistan. The other, a more symbolic one, is that India needs nuclear weapons do demonstrate its great-power status in South Asia as well as the world stage. By reviewing the debates within the strategic community and political circles in India over the past decades, one finds that its leaders have seldom been ashamed of violations of the NPT because this country has been actively opposed to the treaty since the 1960s. Indian leaders clearly contend that they can better address the problems with the nuclear non-proliferation regime by remaining outside of the NPT. Yet, nuclear observers have pointed out that the NSG waiver for India has destroyed the nuclear non-proliferation regime, and diminished the incentive for non-nuclear-weapon states to stay inside of the NPT.[39] A new round of debate about how to reform NPT is expected to emerge in the near future.

Returning to the other question addressed at the beginning of this article: Why did the US adopt such a generous stance with India compared to North Korea? A plausible explanation is that the US (and perhaps the entire international community) had developed a conception that great powers such as India deserve the right to acquire nuclear weapons, and India's nuclear weapons do not directly threaten American military deployments in Asia. From this perspective, India's nuclearization is indeed not comparable to that of North Korea because the international community cannot accept such a small and isolated country developing nuclear weapons as strategic deterrent. Furthermore, North Korea did not demonstrate any intention to contribute to the international nuclear proliferation regime.

Since the US has made India an exception to the NPT via their bilateral agreement, it will be extremely difficult for Washington to convince Pyongyang to abandon its nuclear program. From this perspective, international recognition of India's nuclear-power status will not only be modeled by "malevolent" regimes such as North Korea, but is also likely to set a precedent for other big non-nuclear powers such as Japan to develop nuclear weapons.[40] Although the latter

38 Arvin Cohen and Thomas Graham Jr., "An NPT for non-members," *Bulletin of Atomic Scientists* vol.60, no. 3 (May/June 2004), 40-44.

39 Benjamin Wastler, "Having Its Yellow Cake and Eating It Too: How the NSG Waiver for India Threatens to Undermine the Nuclear Nonproliferation Regime," *Boston College International and Comparative Law Review* vol.33 no.1 (2010), 202.

40 After North Korea conducted its first nuclear test in October 2006, *Foreign Policy* magazine listed 5 countries as potential nuclear states: Japan, Iran, Taiwan, Syria, and South Korea. See: http://www.foreignpolicy.com/articles/2006/10/15/the_list_the_next_nuclear_states

scenario looks unrealistic now, but one could still imagine that if Japan decides to go nuclear and justifies its decision by claiming threats from North Korea or even China, the US (and the rest of the world) might adopt a similar approach towards formal recognition. The responses of the international community to India and North Korea simply reflect our value perceptions about what a great power may justifiable obtain, and what a "rouge state" does not deserve.

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