CHAPTER-V

NUCLEAR DIPLOMACY OF SANCTIONS
Chapter-V

Nuclear Diplomacy of Sanctions

Generally, when sanctions imposed on a target country, at some point of time they have to be lifted by the imposer. The criteria that prompt lifting of sanctions are not mentioned in sanction laws. Broad criteria, which are basically a set of demands to be met by the target country, are set forth by the imposer when it decides to impose sanctions. But the criteria are constantly exposed to change during the course of a sanction on a target country, as constant evolution of new equation between the imposer and the target might require every time new criteria to be set for lifting of sanctions. Evolution of new equations is so dynamic that at times the imposer might be compelled to lift the sanctions without meeting the criteria. No country, however mighty it may be, is exceptional to this principle.

United States policy makers do not always state in the sanctions law, the criteria or goals they hope to accomplish through the imposition of sanctions. Section 102 (b) of the Arms Export Control Act, which was invoked for imposing sanctions against India, also does not state the criteria to be met by India to have the sanctions lifted. There could possibly be another interpretation for this. Perhaps the Glenn Amendment, because of so sweeping nature of its sanctions that any country contemplates to detonate a nuclear device would almost be deterred to freeze, never expected it to be used against any country, and so did not visualise any need for specifying criteria to lift sanctions if it is imposed on a nuclear violator. It has been left to the administration that deals with the sanctioning situations to set the goals to be achieved.

After both India’s Pokhran-II nuclear tests and Pakistan’s reactionary nuclear tests, the US Assistant Secretary of State, Karl Inderfurth, pointed out the goals of the US government, before the Senate Foreign Relations Subcommittee on Near Eastern and
South Asian Affairs on June 3, 1998. He said that over the long-run the US Government will be looking for India to take "steps" such as:

(i) Sign and ratify CTBT (comprehensive Test Ban Treaty) without delay or conditions;
(ii) Halt production of fissile material and participate constructively in FMCT (Fissile Material Cut-off Treaty) negotiations;
(iii) Agree not to deploy or test missiles system;
(iv) Maintain existing restraints, against sharing nuclear and missile technology or equipment with others;
(v) Agree upon a framework to reduce bilateral tensions including on Kashmir; and
(vi) Accept IAEA (International Atomic Energy Agency) safeguards on all nuclear facilities.¹

It was obvious that India's adherence to these steps was set forth as demand or criteria for lifting the sanctions. But the US Administration deliberately avoided using the term 'demand' as it inherently meant 'demand' of the imposer and 'compliance' of the target country in the way of zero-sum game. Mr. Talbot felt that the US was not in a position of making demands on India. He said that the essence of his dialogue with Mr. Jaswant Singh was precisely a dialogue that was a discussion between "friends" about how to improve "synergistically" all of the interests of India and the US. He further said: "This is not a zero-sum game. It's not a case of the United States making demands against its friends."² Through out the dialogue India and the US did never use words like

¹ Official Text, "Inderferth Details US Policy toward India, Pakistan at Senate" (USIS, New Delhi), 4 June 1998, pp. 1, 3; and

² Official Text, "Talbot Worldnet "Dialogue" on South Asia" (USIS, New Delhi), 16 November 1998, p. 2.

These objectives were drawn upon: the objectives outlined in a communiqué by the UN. Security Council's five permanent members on 4 June 1998; UN. Security Council Resolution 1172 of 6 June 1998; and a G-8 foreign minister's communiqué of 12 June 1998.
“demand” and “quid pro quo”; rather they preferred to say “harmonizing” the views and interests of each other.

The sanctions imposed on India were for punitive purpose. While Mr. Karl F. Inderfurth said that “We do not believe that nations should be rewarded for behavior that flies in the face of internationally accepted norms”, he also said that “at the same time, we do not wish to make international pariahs out of... India...”\(^3\) Further, Karl Inderfurth said: “We are encouraging the immediate resumption of direct dialogue between India and Pakistan and are working to shore up the International non-proliferation regime.... we will urge signing and ratification of CTBT by India... the terms just mentioned....”\(^4\) He said the sanctions imposed on India was to encourage it to meet the criteria set forth by the US. \(^6\)

Hence, it was also evident that major and primary objective of the US sanction had been to obtain India to sign and ratify CTBT, as the US believed that a ratification of CTBT only would effectively preclude India from further conducting nuclear tests for advancement of nuclear weapons. The US Secretary of State, Ms. Madeline Albright, stated before the Senate Appropriations Sub-committee on June 1998 that the CTBT remains essential to the US strategy to reduce the nuclear danger.\(^5\) Simultaneously the US attempted to achieve other five stated goals also through the process of nuclear diplomacy. Essentially, the question that need to be addressed vis-à-vis the process of nuclear diplomacy was: How far the US could influence decision making of India towards attaining its stated goals including the primary goal of making India to sign and ratify the CTBT?

\(^3\) Ibid., p. 1.

\(^4\) Ibid., pp. 3-4.

Indo-US Nuclear Diplomacy for Lifting Sanctions

In the 1990s Bill Clinton Administration became the champion of nuclear non-proliferation efforts including CTBT, FMCT, (Fissile Material Cut-off Treaty) and other disarmament issues. Countries like India, Israel and Pakistan clearly emerged as the foremost targets of non-proliferation efforts. After India’s nuclear tests, Clinton’s non-proliferation agenda and his plans have witnessed a set back and the issues have become significantly complicated. With the support of sanctions, US initiated diplomatic efforts to achieve its non-proliferation goals, particularly making India to sign and ratify the CTBT.

Imposing sanctions per se normally does not yield desired results. It is only the beginning after which a dialogue process is engaged by the imposer and it attempts to gain concession from its standpoint. After the imposition of sanctions on India, the US started taking steps to have a dialogue with India as part of the process of the nuclear diplomacy of sanctions. The Clinton Administration held series of talks with the Vajpayee Government starting in June 1998. Deputy Secretary of State, Strobe Talbott, led the US delegation and the Indian Prime Minister’s special envoy, Jaswant Singh, who later became External Affairs Minister, headed the Indian delegation.

From June 1998, Deputy Secretary of State, Strobe Talbott, led a US team of interlocutors to New Delhi for closed discussions on a range of issues. According to Mr. Talbott, the US was intently working with India and Pakistan as well to encourage them to take five practical steps that would help avoid a destabilising nuclear and missile competition and more generally reduce tensions on the sub-continent and bolster the US global non-proliferation goals. They included the following issues: adhering to the CTBT; agreeing to a moratorium on the further production of fissile material; demonstrating prudence and restraint in the development, flight-testing and storage of ballistic missiles and nuclear capable aircraft; tightening export controls on sensitive materials and technologies; and encouraging India and Pakistan to hold dialogue on
Kashmir issues.\(^6\) However, the outcome of the talks was kept secret by both the sides, as they did not wish premature disclosure of details of the talks to stymie future progress. The first few rounds of talks were believed to be generally preparatory in nature and the rest of the rounds witnessed progress, even though nothing was made public.

The first round of talks, held in Washington on 11 June 1998, were believed to be characterized by both the Indian and American sides stating their official position, India elaborating on the security rationale for its nuclear test and obviously the US insisting India signing CTBT and also the NPT without any condition and further delay. So in the first round of talks, after discussing the background of the problem, an attempt was made to set agenda for further strategic dialogue by India and the US. At the end of the first round of the talks, both the parties stated that they discussed broad range of issues, but not very open regarding the outcome of the talks.\(^7\)

As scheduled the second round of Indo-US dialogue was held at Frankfurt, Germany, on July 9th and 10th 1998. Again no outcome was revealed to the public as per the understanding between the parleying parties. In the second round of talks, most likely a discussion was held on “the agenda for Mr. Talbott's forthcoming visit to Delhi on July 20-21, 1998”.\(^8\) The third round of talks between Jaswant Singh and Strobe Talbott in the series was held in New Delhi on 20, 21st July 98 and the discussions were “marked by a spirit of working together to find common ground and to narrow gaps in their governments' respective perceptions” “positive” and were termed as “constructive”, without mentioning the exact progress on particular issue, but kept alive the optimism towards achieving the respective interests of both parties. The interlocutors “also

\(^6\)“Strobe Talbott Lays out American Perspective on South Asia Diplomatic Process”, Times of India (New Delhi), 13 November 1998.


exchanged strategic perspectives on regional and international developments." The discussions so far in all the three rounds of talks focused on clarifying the positions of the two sides, deciding the set of issues to be negotiated in the future rounds of talks.

However, the fourth round of talks, held in Washington on 24th August between Jaswant Singh and Talbott, also offered no definite clues on the exact progress on the ongoing talks. The talks were merely described as "serious and constructive, with a view to putting relations between India and the United States on a sound and secure footing for the future." And the two sides "discussed issues of disarmament and non-proliferation, as well as current regional developments and the international situation." But in a section of the Indian press it was speculated that the talks were poised to "deal" with India signing the CTBT. The fourth round of dialogues were about how to intermesh the steps to be taken by each country to arrive at mutually-agreed goals, and, more important than that was how to sell the package to domestic public opinion in both countries. By then, the initial rhetoric of the two sides, in the wake of the tests, had cooled down. It appeared that the fourth round of talks offered now a "better perception" of both parties' respective position, while discussing on the definite issues figured out in the previous rounds of talks.

While the officials of both the sides were evasive on making a clear statements on definite issues, diplomatic mandarins speculated that the US was still sticking to its demand of signing CTBT without condition, refrain from weaponising or deploying missiles and constructively participating on FMCT negotiations. The other core issues of


11 See, For Example, "The Times of India" (New Delhi), 26 August 1998.
the talks that concerned Indian interests much were inferred to be, among scores of other issues, the question of US sanction against India, expulsion of Indian scientists and researchers from American institutions and blacklisting of 63 Indian institutions from access to US high-technology.12

The terming of both sides the talks as "constructive" without mentioning a more reflective words of a positive outcome was a kind of harbinger for putting-off of Clinton's visit by the US Administration before the fifth round of talks in October 1998. Informed sources in the US administration widely attributed it to lack of progress on curbing nuclear arms race by India and also Pakistan,13 though no specific reasons were cited officially for the postponement.

But from the late October 1998, positive outcome started emerging for India, when US sought to revive the high-level steering group on naval cooperation, a significant development that was having potentiality to restore Indo-US defense ties that hit rock bottom following Pokhran-II tests. The change in US attitude was also evident when New Delhi was accorded observer status to the "Sixth Western Pacific Naval Symposium" held in South Korea in October 1998.14 So far even after the conclusion of five rounds of talks, the main agenda was kept as a well-guarded secret. The only issue that the Indian side had talked about in public was CTBT, with New Delhi had firmly rejected in the past, but which it currently said it was willing to look at anew on the basis of an unspecified quid pro quo.

On 9 and 10 November an expert level meeting between the US and India was held. The team of US experts, led by Deputy Assistant Secretary of State John Barker, was comprised of officials from commerce, customs, energy, defense and foreign

12 The Times of India (New Delhi), 26 August 1998.

13 Ibid., 1 October 1998.

14 The Hindustan Times (New Delhi), 24 October 1998.
ministries. The Indian team also was similarly comprised. Both the sides described the talks as helpful and saw great prospects for continuing cooperations between the two countries in that area.\(^{15}\)

Before the VII round of Indo-US dialogue in late 1998, American Deputy Secretary of State, Strobe Talbott, addressed to the audience of Brookings Institution in Washington D.C. on 12 November 1998 on the US diplomatic process in South Asia.\(^{16}\) This was the only public, but not official, revelation on comprehensive issues of the dialogue, ever since India and the US engaged in parleys in June 1998. India was unhappy with the revelation as it breached the understanding reached earlier on the mode of dialogue.

Talbott had stated in his Brookings address that India had "declared voluntary moratoriums on further testing". On the progress of halting the production of fissile material, he stated: "there have been some encouraging developments. The agreement earlier this year of India and Pakistan to join talks at the conference on Disarmament in Geneva on a fissile material cut off treaty, allowed those long-stalled discussions to go forward. This could be an important milestone in promoting international acceptance of a key principle of nuclear arms control."\(^{17}\)

Talbot's motivation in revealing the progress of the dialogue process with India was to promote the impression that the US was meeting all the demands and India was complying with them. However, at least on four of the five issues India had taken a clear stand from the beginning. The Indian government has agreed to consider signing the CTBT before September 1999, proclaimed a no-first-use doctrine, and moved a

\(^{15}\) Times of India (New Delhi), 9 November 1998.


\(^{17}\) Ibid.
resolution on the UN. General Assembly on nuclear risk resolution, which went far beyond the US ideas of restraint. India also had an impeccable record on export controls, while the conditionalities on sustaining an Indo-Pakistan dialogue were not of India’s making. India had also agreed to join the negotiations on fissile material cut-off.

Meanwhile, the US Commerce Department had published on 13 November 1998 a list of 40 Indian entities to which US companies were essentially banned from exporting anything. These companies were suspected of working on nuclear, missile and other weapons programmes. India regarded this as “a highly unfortunate development” as the new Entity List was considered to be interfering with the free flow of trade, technology and finance and having an adverse impact on mutually beneficial business interaction. India further stated that this decision reflected the continuation of a “coercive approach” that was entirely misplaced and counter-productive and such steps were unhelpful for meaningful discussions towards an improvement in bilateral relations.

The seventh round of talks was held in Rome 20 November 1998. During the two-day talks, India firmly conveyed to the US India’s serious concern over US decision to place on its entities’ list over Indian Private and Public sector companies. And Jaswant Sing reiterated India’s earlier position on the CTBT issue when the US side enquired what his government’s latest position on signing the treaty. There was no fresh pressure from the US for signing the CTBT after it partially lifted sanctions against India. At the end of the talks, it was described in the joint statement as “constructive”, hoping it would “contribute to an atmosphere that would facilitate further progress in establishing the

---


positive environment" the two sides seek to achieve. This clearly implied that India and the US could not reach a stage of “harmonising” their views on substantive issues arising out of their much-publicised agenda items like disarmament, cooperation and bilateral relation. Indian Defense Minister George Fernandes said the seven rounds of talks with the US "have not taken us one step nearer to a fresh understanding.”

Meanwhile, the sanction was partially lifted against India on 1 December 1998. The rationale proffered by the USA for lifting sanctions hints at the secret content of the Jaswant Talbott meetings. Both the sides described the lifting of sanction as “narrowing of gaps of perceptions”.

The timing of placing sanctions on additional entities and partial lifting of sanctions one after another carry some strategy. The US had published this Entity List on November 13 just before partially lifting sanctions on India in the December, to contain hard feelings in India due to the sanctions on additional companies. If the Entity List would have been published later to the partial lifting of sanctions, there would have been strong hard feelings in India, as it would have meant US lifted sanctions on the one hand and imposed on the other hand.

When Indian Prime Minister, A.B. Vajpayee, made a statement in the Lok Sabha on bilateral talks with the US, he reiterated once again the governments earlier position on substantive issues arising out of their much-publicised agenda items like disarmament, cooperation and bilateral relation.

---


Times of India (New Delhi), 21 November 1998.


22 Memorandum on Pakistan and India on 1 December 1998, Weekly compilation of Presidential Documents (Government Printing Office, Washington D.C.); and

Indian Express (New Delhi), 10 November 1998.
on all contentious issue, exhibiting lack progress or breakthrough in the talks.\(^{23}\) While the partial lifting of sanctions was attributed to the "narrowing of gaps of perceptions", on ground nothing was changed and India continued its consistency on its stand on vital contentious issues. This means the US perceptions came down to harmonise with that of India. The process of "narrowing of gaps of perceptions" led the US to gradual understanding on India's rationale behind its stand on the contentious issues. The dialogue partners were committed to attempt for further narrowing the gaps of perceptions. Karl F. Inderfurth, Assistant Secretary of State for South Asia, said at Foreign Policy Association in Washington that "We will, over time, be able to reach an understanding on non-proliferation issues."\(^{24}\)

While setting the tone for the eighth round of talks, he also said, "The United States recognizes that India is the largest, strongest, and indeed the most dominant player in the Sub-continent, and as such it commands a corresponding level of thought and care."\(^{25}\) However, the US officials categorically denied to the Indian media reports that the Clinton Administration was willing to lift sanction without India meeting the US demands, reiterating the previous stand that the sanctions were mandatory and would be withdrawn only after India had met the non-proliferation concerns outlined by the US.\(^{26}\)

At the end of the eighth round of an unusually long, three-day session of non-proliferation talks held in New Delhi between 29-31 January 1999, Indian and American delegates came out with usual assurances. Like in the previous ones, both the sides in its joint statement said that the outcome of the eighth round of talk was "satisfied" one. The


\(^{24}\) Indian Express (New Delhi), 23 January 1999.

\(^{25}\) Ibid., 23 January 1999.

\(^{26}\) News Time (Hyderabad), 24 January 1999.
delegations believed progress was made in several of the subjects under discussion and said they were remain committed to achieving more progress in the weeks ahead. The joint statement pointedly mentioned the shared view of the two sides to lay "the foundation for a new, broad-based relationship that has eluded the United States and India in the past". Also, the two sides agreed on a three-point work-plan to jointly deal with these subjects. And envisaged a ninth round of talks between Mr. Talbott and Mr. Jaswant Singh. The joint statement further mentioned that both sides would endeavour to "create a positive atmosphere" for advancing their relations.27

At the conclusion of the eight round of talks, the scope of dialogue narrowed down to only four subjects relating to CTBT, FMCT, credible minimum deterrence, and nuclear export control, leaving the fifth one, bilateral dialogue between India and Pakistan, as it was pointless to discuss the fifth one due to scores of factors viz. India had been conducting talks with the Pakistan in the past also on its own without any third party’s influence.

India was firm in its stand and pre-determined not to yield to US demands that were likely to have impact on India’s security. Despite its predetermined mental setup, India agreed for a bilateral dialogue with the US, because India basically wanted to utilise this for explaining India’s position minutely on non-proliferation issues, which both the US and India saw from different point of view. In an interview, the External Affairs Minister, Jaswant Singh, said: "People have talked in terms of an arms race, an open-ended programme, a violation of international norms and the enhancement of tension. None of these are valid... We have simply attempted to acquire for ourselves the needed strategic space. To talk of an arms race is to overstate the case. We have announced a voluntary moratorium over the readiness to convert it to a de jure obligation. The PM has

also clearly enunciated that our aim is a limited, minimum deterrence, of no first use. There was need therefore to engage in dialogue and explain all these things."

India has been always of the strict view that it is always for "harmonizing" its respective points of view on matters related to disarmament and non-proliferation and that there is no question of so-called "non-proliferation demands" as "India does not accept any such "demands"".

The dialogue with the United States was being conducted on the basis of a set of comprehensive proposals put forward by India after the May 1998 tests. It was aimed at making India's security concerns clear and narrowing the gaps in perception on strategic issues of mutual concern; it was not restricted to removal of sanctions and its quid pro quo. The objective was not only to reconcile India's legitimate security concerns with US concerns but also to lay a firm foundation for further exchanges and cooperation between the two countries.

The eighth round of discussions was held in a friendly and frank atmosphere between India and the US leading to a narrowing of gaps of perception. As a result, on 7 November 1998, the US Administration announced a partial lifting of unilateral restrictive measures. Both sides recognised that the length of time devoted to these talks was unprecedented in Indo-US relations and considered this time was well spent, laying the foundation for a new, broad based relationship that has eluded the two countries in the past which both sides are determined to achieve in the future. Military officials from both sides also held discussions, including on resumption of bilateral cooperation.

28 Jaswant Singh’s Interview to the Indian Express Correspondent, Indian Express (New Delhi), 29 January 1999.

Meanwhile, in continuation of the first round of talks on export controls held on 9-10 November 1998, US Export Control delegation led by Mr. Gregory Suchan visited Delhi and held talks with an Indian delegation led by Shri Alok Prasad, Joint Secretary, Ministry of External Affairs on 29-30 March, 1999. At the end of the talks they were described merely as “useful and positive” and hold the prospect of continued cooperation in this area.\textsuperscript{30} As the External Affairs Minister, Mr. Jaswant Singh, said, in the course of Indo-US strategic broader dialogue, both sides clarified their medium-term policies and their approach to issues of common concern that included bilateral relations, including the projected visit of President Clinton, and “the removal of the hurdles in the way of a more dynamic economic relationship”. Both India and the US were trying to “harmonise” their respective points, so that sanctions can be eased to pave way for raising the bilateral relations to a qualitatively new level.\textsuperscript{31} While attempt for harmonisation was going on, India’s stand on the most vital issue on CTBT was remained unchanged. The stand on the CTBT was as taken immediately after announcing the conducting of Pokhran-II nuclear test that India wants to bring the voluntary \textit{de facto} moratorium on the nuclear test into \textit{de jure} one, while it expected “other countries, as indicated in Article XIV of the CTBT, will also adhere to this Treaty without conditions”.\textsuperscript{32}


As envisaged, the ninth round of talks was held in London on 16-17 November 1999 between Jaswant Singh and Talbott. The two sides reviewed regional and global developments since their last meeting and committed for further discussion to improve their relations, which, they hoped, would be strengthened by a visit of the President of the United States to India.33

Prior to this ninth round of talks, when the Brownback waiver effect on the sanctions lapsed on 21 October 1999, the US President, exercising waiver authority partially under the Defense Appropriation Act 2000, lifted the same sanctions that had been lifted under Brownback amendment but lapsed on 21 October. No additional sanctions were lifted in this waiver. And, also on December 17, 1999, the US Department of Commerce removed 51 Indian government agencies and private companies from the list of about 200 entities originally sanctioned in 1998. Welcoming the removal, India said it was a “step in the right direction” and that it expected that it will lead to the “complete abolition of this restrictive list”.34

Despite the fact that India had not met the primary benchmark of the US - signing of the CTBT- the US lifted sanctions, gradually realizing that the sanctions were counter productive in the case of a sanction on India as it involved a countries security.

But the US still had the hope to persuade India to achieve its non-proliferation goals and proceeded to the tenth round of talks. The tenth round of talks, conducted in the “positive and constructive” manner between Jaswant Singh and Strobe Talbott was held in London on January 18-19, 2000 to continue the on-going Indo-US dialogue “on security, non-proliferation, disarmament and related issues”. They also discussed bilateral


relations, regional developments and security as in the past. The joint statement stated that mindful of the goal of crafting a "multifaceted partnership" India and the US also discussed the possibility of institutionalizing their dialogue.  

Following the imposition of sanctions and certain demands, the US engaged series of strategic dialogue with India for around twenty months till January 2000 to "harmonize" view points on security, disarmament and non-proliferation. The dialogue process as seen in the previous pages could not witness any concrete progress in "harmonizing" the differing view points between India and the US India's compelling security reasons flowing from the present global security systems that rely on nuclear weapons forced her to be firm on its stand taken immediately after the Pokhran-II nuclear tests. India preferred complete disarmament to non-proliferation in a view to find a permanent and assured solution to the problem faced by the regional as well as global security scenario. India had said that it could sign and ratify a CTBT that is free from discrimination. Thus, the talks only helped the US to understand with out any doubt that India would not change its stand owing to its compelling regional security reason that professed "credible minimum deterrence".

Realizing that the strategic dialogue could not yield desired results in bringing India to its demands, the US started lifting sanctions gradually and in the September 2001 the sanctions imposed for Pokhran-II nuclear tests were permanently lifted. The forty months of Indo-US bilateral relations from May 1998 to September 2001 witnessed a graphic deep low to peak high through gradual betterment of bilateral relations from imposing sanctions to visiting of the US President to India after decades and completely lifting of sanctions. The loss to the US economy following the sanctions and fear of

loosing future economic interests along with the necessity to fight the international terrorism with a global alliance compelled the US to lift sanctions in September 2001.

Both the parties to the dialogue deliberately used the term “harmonizing” as the objective of the talks in preference to using ‘quid pro quo measures’ and ‘demands and compliance’, which are the jargons of ‘negotiations’. Because using words like ‘quid pro quo measures’ and ‘demands and compliance’ rather than “harmonizing” would have meant a ‘loose in one side’ and ‘gain in the other side’ in a tug-of-war situation. “Harmonizing” the interests would mean any sort of outcome of the talks, from success to modest range of success to failure to any one of the parties. But still any range of outcome could be projected by both parties as gain under the broad / tactical term of “harmonizing”, which also gives an impression of talks in a malice-free friendly atmosphere between friendly countries.

A look at the outcome of the Indo-US strategic dialogue provides that in a strict sense the US could not achieve any of its stated objectives concretely as India stick to its stand throughout the talks and lifting of sanctions completely in September 2001. The talks could not have any breakthrough in reconciling with each other’s stand on security perspectives. Both the parties stuck to their own positions. “National interest” of the US in terms of bilateral trade and fighting global war on terrorism rather than non-proliferation concerns ultimately showed the way to ending of the sanctions crisis.

**Comprehensive Test Ban Treaty**

The first and primary goal the US pursued to achieve in the diplomacy of sanctions, a combination of sanctions and strategic dialogue, was making India to sign and ratify CTBT (comprehensive Test Ban Treaty) without delay or conditions.

Before the Indo-US strategic dialogue started, India made its premise clear on the issue of signing CTBT. Immediately after the tests, on 21 May 1998, India announced voluntarily a moratorium on nuclear testing that the CTBT primarily stands for and expressed its willingness to adhere to some parts of the CTBT, whereas the US demanded
full and "unconditional" adherence to the CTBT. A Government of India Paper tabled in the House on May 27, 1998 stated, "Subsequent to the tests Government has already stated that India will now observe a voluntary moratorium and refrain from conducting underground nuclear test explosion. It has also indicated willingness to move toward a de-jure formalisation of this declaration." On the basis of this premise Indian interlocutors started the negotiation with the US on 11th June 1998 on issue of signing CTBT. On June 17, 1998, the Prime Minister, Mr. Vajpayee, stated that India had a "credible nuclear deterrent," and "would not engage in a nuclear arms race", re-indicating India's voluntary moratorium on nuclear testing.

During the first round of talks the US was reportedly insisting that India should sign the CTBT and the NPT too. Prior to the second round of talks it was announced from the Indian side that the Government was willing to discuss positively the CTBT accession issue and that India would not insist on CTBT being amended to include some of its concerns like committing all nuclear weapons state for a time bound reduction and eventual elimination of nuclear disarmament as a concession. It should be attributed to success of sanction's pressures. In the absence of sanctions pressure, removal of linkage between CTBT and universal disarmament by India would have not been possible. This position of India Government drew criticism from some quarters as surrendering to the US pressures. The US was prompted to go around and praise India's decision to sign the CTBT by September 1999 not withstanding the agreement not to reveal details of ongoing negotiations. India was ready to sign the CTBT without linking it to universal disarmament, but not without lifting of sanctions.

---

Reportedly, Jaswant Singh, and Talbott discussed, for two days, India’s security situation, India’s perception of threat from two nuclear neighbors who are believed to be nuclear secret allies—China and Pakistan—and how they impinge on India’s strategic and defence policies. It seems Talbott was personally getting convinced of the security rationale behind India going nuclear overtly, but he was constrained to push forward the Clinton Administration’s agenda for non-proliferation and successful completion of the CTBT process for realizing the ultimate objective of nuclear disarmament.\textsuperscript{37}

The Indian side insisted on the removal of the economic sanctions by the P-5 the G-8 countries and the lifting of ban on transfer of dual use technologies as a quid pro quo for India considering to accede to the CTBT. Though the talks were held in highly cordial and malice-free atmosphere, apparently Singh and Talbott could possibly not arrive at any specific decision regarding the requirements of both sides. The US Administration was apparently not agreeable to any linkage between India’s signing of CTBT and the relaxations of controls on dual use technology. New Delhi’s compliance, it said, should be without any ‘pre-conditions’.\textsuperscript{38}

Even after seven rounds of talks there was no breakthrough on the contentious issue. On December 15, 1998 Indian Prime Minister Vajapayee made a statement in the Rajya Sabha during a debate on foreign policy. He said that although India was ready for talks on CTBT, it would not sign the treaty unconditionally under pressure. Indeed, Indian Government was very sensitive to convey the impression world wide that India’s decision making on foreign policy issues could not be dictated or pressurized by any one.\textsuperscript{39} The parliamentary debate also noticed strong statement being issued by the

\textsuperscript{37} Times of India (New Delhi), 26 August 1998.

\textsuperscript{38} Jayaram, n. 7, p.12.

\textsuperscript{39} “Statement Made by Prime Minister on Bilateral Talks with United States of America”, n. 23; and

Press Release Issued by the External Affairs Ministry on India's Position on Nuclear Issues/ CTBT, 14 October 1999, Published by Embassy of India, Washington, D.C.,
Congress and Left parties cautioning the Vajpayee Government against any compromises on national security. They virtually chided the government for hinting at signing the CTBT without taking opposition parties into confidence.\textsuperscript{40}

On February 24, 1999, Jaswant Singh announced in parliament that India had not agreed to sign the CTBT nor would it permit another country to decide its minimum nuclear deterrence. Singh’s most forceful rebuttal was his statement that the government would not even respond to claims reportedly made by some of the US officials that India was close to signing the CTBT.\textsuperscript{41} When there arose some doubts in the Lok Sabha regarding India’s latest stand on the CTBT, Jaswant Singh categorically stated that India had not agreed to sign the CTBT under any secret deal.\textsuperscript{42}

Even after one year of the announcement by India that it was prepared to bring the discussions with the US for a successful conclusion that would enable the entry into force of the CTBT by September 1999, the atmosphere did not encourage India to sign the treaty. Firstly, all the sanctions were not lifted against India and secondly, the US itself could not ratify the treaty as it faced overwhelming opposition in the Senate. While India reiterated its earlier position, it also had expected that other countries, as indicated in Article XIV of the CTBT, would also adhere to this treaty without conditions.\textsuperscript{43} The intensive diplomacy between India and the US, revealed that both parties were sustaining and holding on respective positions, without making any concrete breakthrough.

\textsuperscript{40} "Requesting the Minister of External Affairs to Make a Statement on the Signing of CTBT Agreement", XII Lok Sabha Debates, Session IV, Parliament of India, 26 February 1999, http://parliamentofindia.nic.in/ls/lsdeb/ls12/034/02260299.htm (Retrieved on 05 March 2000).

\textsuperscript{41} The Hindu (New Delhi), 25 February 1999, p. 1.

\textsuperscript{42} "Requesting the Minister of External Affairs to Make a Statement on the Signing of CTBT Agreement", n. 40.

\textsuperscript{43} Press Release issued by the External Affairs Ministry on India’s position on nuclear issues/ CTBT, n. 39.
By the time the sanctions were completely lifted on 22 September 2001, the issue of signing CTBT and other non-proliferation and disarmament issues received only a faint attention. Since India is for universal and time bound disarmament and US, the self proclaimed champion of non-proliferation and disarmament, failed to ratify the treaty, India could have not signed the treaty even if the treaty could have been pressed for an entry into force.

In the beginning itself, immediately after the nuclear tests, India had indicated that it did not have problem anymore in signing CTBT as required data for ensuring nuclear capability remained contemporary was availed by India by the Pokhran II tests. India had achieved its stated objective of ensuring nuclear capability. The data provided by these tests was “critical to validate India’s capabilities in the design of nuclear weapons of different yields for different applications and different delivery systems”. Further, these tests have “significantly enhanced the capabilities of Indian scientists and engineers in computer simulation of new designs and enable them to undertake sub-critical experiments in future”.

This was why India conducted nuclear tests in 1998 itself well before September 1999, the deadline for signing the CTBT.

India said it was prepared to sign the CTBT even before the talks started, because India had attained the required data for its security calculations. Therefore, signing of the treaty would not have harmed India’s security calculations and moreover India hinted that it “reserved the right to review this decision if in its judgment extraordinary events take place that jeopardise India’s supreme national interests” as the CTBT gives such right to every country.

---

44 “Evolution of India's Nuclear Policy”, n. 36.

India was for equal security or global disarmament as far as the international security regime was concerned. Writing on the India’s nuclear policy in the International Herald Tribune, India’s interlocutor to the bilateral strategic dialogue with the US, Jaswant Singh, said, “India’s nuclear policy remains firmly committed to one basic tenet: In a world of nuclear proliferation, our national security lies either in global disarmament or in the exercise of the principle of equal and legitimate security for all”.46 Since this basic tenet was not assured by the CTBT India refused to sign it. India believed that the present model of nuclear non-proliferation, based only on differential standards of security, was not viable and demanded balance of rights and obligations in the entire field of disarmament and non-proliferation.

In the case of not signing the CTBT, India’s position is that India would observe a voluntary moratorium and refrain from conducting underground nuclear test explosions. Thus, the basic obligation of the CTBT would be met; to refrain from undertaking nuclear test explosions. This voluntary moratorium was intended to convey to the international community the seriousness of India’s intent for meaningful engagement.

**Fissile Material Cut-off Treaty**

The second objective of the US diplomacy of sanction was to make India to “halt production of fissile material and participate constructively in FMCT (Fissile Material Cut-off Treaty) negotiations”. The halting of production of fissile material constitutes the essential building block of nuclear weapons. Entering of the FMCT into force would effectively preclude any production of fissile material, meaning of containing further proliferation. India has overcome its initial hesitancy and agreed to participate in good faith in the negotiations for the early conclusion of the FMCT, but of a universal, non-discriminatory and internationally and effectively verifiable treaty banning the further production of fissile materials for nuclear weapons and other nuclear explosive devices in nuclear explosive devices in

all the countries.\textsuperscript{47} This has been described, by the Geneva-based diplomats as a significant move in India's contemporary nuclear diplomacy. Indian Ambassador at the Geneva negotiations, Savitri Kunadi, said that India had always taken a pro-active position on the FMCT.\textsuperscript{48} Though India had been proactive in this regard, immediate additional factors that made India to agree to participate in negotiations in the Conference on Disarmament in Geneva on a Fissile Material Cut-off Treaty was the sanctions pressure.

On August 11, 1998, the Conference on Disarmament (CD) in Geneva finally agreed, after years of impasse, to convene an adhoc committee to negotiate a ban on the production of new fissile material, mainly plutonium and highly enriched uranium (HEU) generally used in the production of nuclear weapons.

Before the seventh round of Indo-US dialogue in late 1998, American Deputy Secretary of State, Strobe Tolbott, while sharing American perspective on the diplomatic process in South Asia following nuclear tests in the "Times of India" news paper, stated on the progress of halting the production of fissile material: "...there have been some developments. The agreement earlier this year of India and Pakistan to join talks at the conference on Disarmament in Geneva on a fissile material cut off treaty, allowed those long-stalled discussions to go forward. This could be an important milestone in promoting international acceptance of a key principle of nuclear arms control."\textsuperscript{49} He also said that even if those negotiations go well and move forward quickly, completion and formal entry into force of a cutoff treaty would take several years.\textsuperscript{50}

\textsuperscript{47} "Evolution of India's Nuclear Policy", n. 36.


\textsuperscript{49} "Strobe Talbott Lays out American Perspective on South Asia Diplomatic Process", n. 6; and Talbott, n. 16.

\textsuperscript{50} Ibid.
India's participation in Geneva deliberations and its assurances that it would participate constructively in negotiations for the successful conclusion of a multilateral verifiable FMCT, which also formed part of Singh-Talbott dialogue, brought some cheer to the US side that the strategic dialogue was progressing well, albeit slowly. In its eighth round of talks with India, the US had secured an arrangement that, as read by the Indo-US joint statement, “The US and Indian delegations at the Conference on Disarmament at Geneva will endeavor to consult frequently on the status of negotiations on the FMCT and the possibility of other multilateral initiatives.”51

In this regard on April 1, 1999, Jaswant Singh, declared that India would not support an immediate moratorium on fissile material production even if legitimate nuclear powers and Pakistan agreed to the proposition. He said, “It is not possible for India to agree to such a suggestion at this stage.”52

India’s decision to participate in the FMCT negotiations facilitated the establishment of an adhoc committee in the Conference on Disarmament in Geneva to begin negotiations on this issue. When the External Affairs Minister was asked, will India cease fissile material production before FMCT as the US had been asking for a voluntary moratorium on fissile material production, he responded: “During discussions with our interlocutors, it has been suggested that, in addition, India should unilaterally cease production of fissile material. It is not possible for India to agree to this suggestion. Given our past experience with the CTBT, we would need to assess the direction of negotiations on FMCT in Geneva before seriously considering multilateral – and not unilateral-initiatives in this area. For a minimum nuclear deterrent, which is what India


52 Jaswant Singh Responds to Frequently Asked Questions, Published by Ministry of External Affairs, Government of India, 01 April 1999, http://www.indiagov.org (Retrieved on 07 May 2000); and

The Hindu (New Delhi), 2 April 1999.
will maintain for its security, we need a limited quantity of fissile material. It is not our intention to engage in an arms race.”

Imposing the sanctions, the US also had not demanded that India should sign the FMCT, but asked only to cease voluntarily and unilaterally the production of fissile material. But India did not buckle under sanctions pressure, flatly refusing to cease the production on security reasons. India’s this position on FMCT is one of the factor that proves the hypothesis that economic sanctions cannot be effective in disputes especially that affect the target country’s security.

**Strategic Restraint**

The third key objective of the strategic dialogue was related to the development and deployment of missiles and aircraft capable of carrying weapons of mass destruction. The point was that the testing of explosive device was not the only threat to peace, but delivery systems also. During his address to the Brookings Institution, the Deputy Secretory of State, Talbott, explained the rationale for asking India and also Pakistan to maintain strategic restraint. He stated in the address: “The point here was that the testing of explosive devices is not the only threat to peace. Unless both India and Pakistan exercise genuine restraint and great care, the delivery systems themselves could become a source of tension and could, by their nature and disposition, increase the incentive to attack first in crisis. They could also increase the risk that weapons would be used as a result of accident or miscalculation.” This was the logic the US put forth for urging India and Pakistan to consider mutually reinforcing restraints on the development, flight-testing, and storage of missiles, and also on the basing of nuclear-capable aircraft.

Following the nuclear tests, India’s evolution of nuclear policy, tabled by the Prime Minsiter in the House on 27 May 1998, stated on the strategic restraint that “Our

---

53 Jaswant Singh Responds to Frequently Asked Questions, n. 52.

54 Talbott, n. 16.
strengthened capability adds to our sense of responsibility" and that "India, mindful of its international obligations, shall not use these weapons to commit aggression or to mount threats against any country". It further reiterated its "readiness to discuss a "no-first-use" agreement" with Pakistan and added "India shall not engage in an arms race". However, Mr. Jaswant Singh, had also clarified before the start of nuclear dialogue that deployment was "contingency-dependent", and not complete restraint, so for a country which had declared a "no-first-use" policy. India had also clarified that even though it was for "no-first-use" and observing restraint, it will not abandon its missile development programme in order to maintain the "credible minimum deterrence", which is a dynamic concept that changes according to change in the security scenario in the region. In a statement made on Indo-US bilateral talks in the Lok Sabha, the Prime Minister, said: "While our decision is to maintain the deployment of a deterrent which is both minimum but credible, I would like to re-affirm to this House that the Government will not accept any restraints on the development of India's R&D capabilities. Such activity is an integral [part]of any country's defense preparedness and essential for coping with new threat perceptions that may emerge in the years ahead. This Government remains unequivocally opposed to any suggestions that seek to place India at a technological disadvantage through intrusive or sovereignty violative measures." On the basis of the above nuclear policy, India started its dialogue with the US. During the sixth and seventh round of talks Mr. Singh and Mr. Talbott debated not only CTBT issue, but also another important issue of India's defence posture along with the

53 "Evolution of India's Nuclear Policy", n. 36; and


54 Times of India (New Delhi), 26 August 1998.

57 "Statement Made by Prime Minister on Bilateral Talks with United States of America", n. 23.
need for maintaining adherence to export control regimes. The issues being ticklish involving sensitive questions of sovereignty etc., the talks did not make any serious headway, though there were enough indications to the effect that US side was able to understand the practical problems faced by India in giving any definitive commitment on question of missile production and deployment.

Actually, the impression gained, after the six rounds of talks, was that Americans want to know in approximate terms what India considers as minimum nuclear deterrence. Logically it would mean that nuclear missiles could be deployed after an enemy first-strike. India had so far given no indication regarding what was credible minimum deterrence. The US was keen to find out where India would deploy its nuclear weapons if decided so. India had been telling that it can not pronounce what was credible minimum deterrence, as that was a dynamic concept which kept changing, depending upon the security environment. In an interview to Indian Express just before the seventh round of talks, the Indian External Affairs Minster, Jaswant Singh, explained the concept “credible minimum deterrence”: “When we talk of a minimum, nuclear deterrents, we are talking of the totality of the concept. We’re not trapped in the terminology or the dead rhetoric of the cold war years... We believe that minimum deterrence is not a physical (thing), or a fixity in time, but a concept that defines the outline of our endeavour, and naturally, which alters with the altering security environment.”\footnote{Jaswant Singh’s Interview to Indian Express Correspondent, Jyoti Malhotra, Indian Express (New Delhi), 29 January 1999.} In a comprehensible term what he was referring to was that it was a dynamic concept, which is flexible, not definite.

However, on being asked on the same day by the Indian Express correspondent in U.S, if the US insisted Indians numerically defining the credible minimum deterrence Tolbott denied to have been inquisitive on India’s defence posture. He said: “We don’t assign to ourselves the task of telling India what it can, should, or must do in any respect, particularly on the most vital of all sovereign issues, that is protecting the security of the
state. We are not trying to coax or elicit numbers...” 59 According to the US the aim wanted to ensure that India and Pakistan do not have nuclear weapons pointing at each other. On the other side, India wanted Washington to realize that its security concerns are not confined to Pakistan, but China, yet, the US seemingly did not take it seriously.

But, actually the US was trying to know India’s defence posture. The US Ambassador in India, Mr.Richard Celeste, was quoted as saying that “a satisfactory outcome to the conflicts would depend upon both sides agreeing on the size of the deterrent force that they would deploy. He also said transparency would also be required on the delivery system being used and the locations of devices in either sides armoured.” Celeste’s proposals were quickly rejected by the Indian Foreign Office and Defence Minister, George Fernandes, saying that the points Celeste raised impinged directly on the national security concerns of a sovereign state. India’s position was that matters related to deployment and defence postures were “sovereign functions, not subject to negotiations”. 60

India was willing to offer a treaty committing both sides to a “no-first use” of nuclear weapons posture. After having made a unilateral pledge to this effect, India thought that a better ambience of mutual security could be created by drawing Pakistan also into a similar commitment. Expectedly, Pakistan saw this as an effort to undo a situation of nuclear parity and tilt the strategic balance in favour of India’s superior conventional military forces and rejected. 61

59 Strobe Tolbott’s Interview to the Indian Express Correspondent, Chidanand Rajghatta, Indian Express (New Delhi), 29 January 1999.

60 Jaswant Singh Responds to Frequently Asked Questions, n. 52; and


61 Muralidharan, n. 60.
Meanwhile, exactly eleven months after the Pokhran nuclear tests, on April 11, 1999, India test-fired the extended range “Agni-II” missile that can cover a range of over 2,000 km. India said that its missile programme was not Pakistan centric; and it had abided by the understanding reached with Pakistan in “Lahore Declaration” that reads in spirit “to provide each other with advance notifications in respect of ballistic missile tests……” also in a confidence building measure.62 This confidence building measure that also assured not to test missiles in the direction of each other’s territories was the only limited step achieved by India and Pakistan during the “Lahore Declaration” resulted by the Indian Prime Minister’s historic bus diplomacy to Pakistan.

India was consistent and stuck to its principles on strategic restraint, particularly the sovereign aspects of its decision making, throughout its talks with the US. India’s these principles were reflected in the Draft Report of National Security Advisory Board on Indian Nuclear Doctrine in August 1999.63 The issue of strategic restraint and India’s reiteration on “sovereignty” of its decision making in this regard, with suitable demonstration by test-firing Agni-II missiles also proves the hypothesis that sanctions cannot be effective in disputes especially that affect the target country’s security.

Export Control

The fourth objective of the US in its diplomacy of sanctions was to secure India to “maintain existing restraints, against sharing nuclear and missile technology or equipment with others”. This objective was not imposing any tough decision making on India and it was nothing new for India because of the well known and appreciated fact

62 Jaswant Singh Responds to Frequently Asked Questions, n. 52; and
The Hindu (New Delhi), 12 April 1999.

that India has always had good record in observing complete restraints on export of nuclear and missile technology. The Prime Minister, Vajpayee, had made this clear to the world once again through his paper tabled on “Evolution of India’s Nuclear Policy”. Pointing out India’s impeccable and better record than some of the countries party to the NPT in the past in maintaining export controls on nuclear materials as well as related technologies even though India was neither a party nor a member of the Nuclear Suppliers Group, the paper read: “...India is committed to non-proliferation and the maintaining of stringent export controls to ensure that there is no leakage of our indigenously developed know-how and technologies.”

Adding to this, the Prime Minister said in his address to the 53rd UN General Assembly: “We have an effective system of export controls and shall make more stringent where necessary, including by expanding control list of equipment and technology to make them contemporary and effective in the context of a nuclear India.” At the same time, as a developing country, we are conscious that nuclear technology has a number of peaceful application and we shall continue to cooperate actively with other countries in this regard, in keeping international responsibilities.”

In order to achieve its goal of obtaining India to comply with nuclear export regime guidelines by not exporting nuclear material to non-nuclear states, the American team had come to New Delhi on 9th November 1998 and spent two days to study for the first time how the system of export controls work in India, what could be the loopholes in the system and how to make them fool proof. The talks were aimed at finding a common position on export controls. In this expert level meeting, India assured the US side that as a responsible nuclear weapons state, it would not only behave responsibly

---

64 “Evolution of India’s Nuclear Policy”, n. 36.

65 “Address of the Prime Minister of India to the 53rd UN General Assembly”, Reproduced in Strategic Digest (New Delhi), November 1998, p. 1802.

66 Ibid.
but also take steps to make stringent laws regarding export controls. Both sides described the talks as helpful and saw great prospects for continuing cooperations between the two countries in the area. During the talks India had "... also conveyed that India should be provided better access to dual-use and high technologies in view of India's impeccable record of effective control over sensitive technologies". The expert-level meeting was categorised by both, India and the United States, as helpful to the prospects of continuing cooperation in this area. In continuation of the first round of talks, India and the US held another similar talks on 20th, 30th March 1999 also as envisaged. The joint statement merely stated, "The talks were useful and positive and hold the prospect of continued cooperation in this area." After the first round of talks on export controls, the US Deputy Secretary of State, Talbot, certified that India do "have good track records in this regard (export control)." He further said India "agreed that it makes sense to bring its existing policies and regimes up to international standards". Evaluating the progress on this front, he furthermore said that the strategic dialogue had moved "beyond the realm of principle into that of the practical, including the exchange of information and expertise". Having acknowledged the progress made in the talks, the Indian Prime Minister in his address to the parliament reiterated, "we are taking steps to make more stringent our laws in this regard."

In the Draft Report of National Security Advisory Board on Nuclear Doctrine, India once again assured: "Extraordinary precautions shall be taken to ensure that nuclear weapons, their manufacture, transportation and storage are fully guarded against possible

---

67 Times of India (New Delhi), 9 November 1998.

68 "Statement Made by Prime Minister on Bilateral Talks with United States of America", n. 23.


70 Talbott, n. 16.

71 "Statement Made by Prime Minister on Bilateral Talks with United States of America", n. 23.
theft, loss, sabotage, damage or unauthorised access or use.” However, the US witnessed no concrete steps to have taken by India on making more stringent laws in this regard as announced by India and as expected by the US in tune with its stated objectives.

**Reducing Bilateral Tension: Indo-Pakistan Dialogue**

The fifth objective of the US in India was to persuade it to “Agree upon a framework to reduce bilateral tensions including on Kashmir”. While the first four goals outlined by the US deal with the overt manifestation of the Indo-Pakistan nuclear competition, the fifth one relates to the underlying causes: the long standing disputes between India and Pakistan. Talbott argued in his address at Brookings Institution in Washington D.C. that “No amount of diplomatic exertion on our part, on non-proliferation or any other subject, will have much effect unless and until India and Pakistan can liberate themselves from their own enmity” and made it clear that while the US and others can help through their “good offices with both, that liberation will occur only through direct, high-level, frequent and above all, productive dialogue between the two of them”. The US believed that India and Pakistan could move toward stabilizing their military competition, if each knows, through bilateral dialogue, what the other is doing and planning. This stand of the US indirectly indicated that the US abandoned the attempt for third party mediation. Following the imposing of the sanctions, the US only asked both India and Pakistan to start bilateral talks on their own, but did not demand to accept third party mediation, exhibiting realism on practicality of demands in South Asia.

The Prime Minister of India and Pakistan held a bilateral meeting on the sidelines of UN General Assembly in New York on 23rd September, 1998. India-Pakistan joint-statement stated that the discussions covered the “whole range of bilateral relations” and “carried out a detailed review of new developments in the region” following the nuclear

---


73 Talbott, n. 16.
tests. Reaffirming their common belief that “an environment of durable peace and security was in the supreme interest of both India and Pakistan, and of the region as a whole”, they expressed their “determination to renew and reinvigorate efforts to secure such an environment”. Further, they “agreed that the peaceful settlement of all outstanding issues, including Jammu and Kashmir, was essential for this purpose”.74

On the direction of both the Prime Ministers, the Foreign Secretaries of the two countries held talks in New York on the same day and decided the agenda and structure for the future talks. The Foreign Secretaries level talks were given special mention in the joint-statement, as they were to commence the “substantive dialogue” on vital issues on “Peace and Security including CBMs” and “Jammu and Kashmir”.75

The Foreign Secretary Level talks were held in Islamabad on 15 October 1998 and vital issues like CBMs and Jammu and Kashmir were discussed. The official spokesperson of Ministry of External Affairs pointedly said that “there was no question of India acting under international pressure and there was no place for any third party involvement in India-Pakistan ties” and that “the international community has shared this view and has strongly expressed its desire that India and Pakistan should resolve all outstanding issues peacefully and bilaterally”.76

The US said that in reducing bilateral tension between India and Pakistan it saw favourable developments, especially the resumption of talks between the two foreign secretaries in Isalamabad in October 1998. Deputy Secretary of State, Talbot stated,


"India and Pakistan were talking about the basic issues that divided them, including Kashmir; they were talking about confidence-building measures, about better communications between civilian and military experts, about bus lines across the border, about trading in energy."  

But the actual outcome was different from what the US had projected. During the dialogue with Pakistan, India had proclaimed the possibility of an agreement on the "no-first use" of nuclear weapons, which Pakistan had rejected. The reason provided was that the move tended to deprive Pakistan of its nuclear deterrence. The perception in the Pakistani strategic community was that "no-first-use" was an effort to undo a situation of nuclear parity and tilt the strategic balance in favour of India's superior conventional military forces. On December 1998 Foreign Minister, Sartaj Aziz, rejected to commit on eliminating the first strike, expectedly saying the "no-first use" favors India, which was superior in conventional weapons. Lowering its sights from a "no-first use treaty", India then suggested a mechanism to prevent an "accidental or unauthorized nuclear launch." The Pakistani alternative of a comprehensive treaty of non-aggression was rejected by India on account of its linkage to the Kashmir question. Pakistan also, for its part, came up with a series of more ambitious proposals to defuse nuclear hostility. These included a mutual ban on explosive testing; a commitment by both sides to forswear the ballistic missile defences option; and the acceptance of a minimum deterrent force of transparent dimension. None of these proposals gained acceptance from India, which continued to insist that the issues they raise touch upon national security interest that transcend the neighborhood context.  

---

77 Talbott, n. 16.

78 Muralidharan, n. 60; and

According to the Lahore Declaration, signed by the Indian Prime Minister, Vajapayee, and his Pakistani counterpart, Nawaz Sharif, on February 21, 1999, the two Prime Ministers agreed to take “immediate steps” to reduce the risk of nuclear conflict between the two new nuclear powers.79 Meanwhile, Pakistan had delinked CTBT issues from Kashmir issue. On December 7, 1998. Mr. Nawaz Sharif said in Washington that Pakistan’s signing of CTBT was not linked to a resolution of the Kashmir issue.80

Indo-Pakistan dialogue with both the government of Nawaz Sherif and General Musharraf was not very successful in terms of positive outcome on issues like Siachen, Sir Creek and Tulbul barrage which yet remain unresolved, even after Indian Prime Minister Vajpayee’s historical bus diplomacy with Pakistan which otherwise created enormous positive, and tension free environment between India and Pakistan.

While the situation appeared in Indo-Pakistan bilateral relations almost stable, an infiltration in May 1999 by well-armed Pakistani irregulars and troops across the Line of Control (LOC) and their entrenchment in the Kargil Sector have created a “War-like” situation in Kashmir, thereby creating an additional irritant in the process of Indo Pakistan talks for peace. The Kargil crisis placed India-Pakistan relations on conflict situation.

Strangely the Kargil event exhibited a major constructive role by the US. To defuse the conflict the US firmly rejected Pakistan’s contention that the Line of Control (LOC) in Kashmir was not clear and asked the Pakistan-backed infiltrators to retreat. “We think the LOC has been demarcated over the years. It has been clear and those who infiltrated from the Pakistani side to the Indian side must go back”, Bruce Riedel was quoted as saying.81

79 “Pakistan, India Sign Declaration to Reduce Risk of Nuclear War”, POT (New Delhi), 9 March 1999, p. 824.

80 “Comments: Nawaz Sharif’s Visit to the USA”, POT (New Delhi), 5 January 1999, p. 41.

81 The Times of India (New Delhi), 9 June 1999, p. 1.
It is, thus, evident that the US this time has not tilted towards Pakistan's false propaganda and realized that favouring Pakistan would stand in the way of achieving its objective in South Asia. And as a matter of fact, American clarity of statement on LoC had profound effect on the resolution of Kargil conflict. The Prime Minister, Nawaz Sharif's visit to Washington to convince the American President Clinton to dilute the American stand on the LoC failed. The American insistence on ending the Kargil conflict by asking Pakistan to withdraw the intruders behind the LoC eventually succeeded and Pakistan having failed to get US support finally relented.

The Agra summit was held in 2001 between India and Pakistan and as expected and as usual India clearly and forcefully rejected any third party involvement in this bilateral affair. India on its own, not at the instance of any third party pressure or influence, invited Pakistan for another big bilateral talks, Agra summit, and the summit was held on 14-16 July 2001, after the bilateral relations became boiling and after Pakistan came under military rule under General Pervez Musharraf, who was considered to be the author of the Kargil intrusion. The US interaction with India and Pakistan also diluted after the end of ten rounds of talks in the late 1999.82

All outstanding issues, including Kashmir issue, figured in the one to one talks between the Indian Prime Minister, Atal Bihari Vajpayee, and Pakistani ruler, General Pervez Musharraf and in the delegation level talks. India was convinced that addressing the "vast differences" and "making a "move forward" on the Kashmir issue required to "create a conducive atmosphere", and an end to "the terrorism violence being promoted in the State from across its borders" could alone help creating such atmosphere.83

82 "Prime Minister’s Opening Statement at the Plenary of the India-Pakistan Summit", Published by the Ministry of External Affairs on 15 July 2001, Reproduced in Strategic Digest (New Delhi), Vol. XXXI, No. 8, August 2001, p. 1039.

83 Ibid.
At the end of the talks India assured that the CBMs announced prior to President Musharraf’s visit would be fully implemented, as it would make an important contribution to bilateral relations. However, at the end of the summit both the countries could not arrive at an “agreed text” due to “difficulty in reconciliating” India and Pakistan’s “basic approaches to bilateral relations”, reflecting the failure to make breakthrough.84 The differences in the basic approaches were: first, while India was convinced of “totality of relationship” covering all outstanding issues, including Jammu and Kashmir, the Pakistan was sticking to “segmented or unifocal approaches” that centered only on the Kashmir issue, which, in India’s view, “will simply not work”; secondly, while India asked Pakistan to reject specifically “cross border terrorism and violence”, Pakistan could not do so; and thirdly, while India’s approach was to build the peace process upon the Shimla agreement, Pakistan’s was to build upon Lahore declaration.85

In the case of reducing bilateral tension, even if the US did not demand for bilateral talks, India and Pakistan would have started the same, as it had been and still now a continuous process in the Indo-Pakistan bilateral front. So this development can not be attributed to the success of the US pressure on India. As already mentioned, drawing a special attention, the official spokesperson of India specifically said after the Foreign Secretary level talks held in Islamabad in October 1998 that “there was no question of India acting under international pressure and there was no place for any third party involvement in India-Pakistan ties”.86 The only success that can be credited to the US pressure in this regard was that India and Pakistan started the bilateral talks relatively


85 Ibid.

86 “MEA Official Spokesperson’s Statement on India-Pakistan Foreign Secretary Level Talks”, n. 76.
shortly after their nuclear tests. Otherwise, they might have started a bilateral talks much late after the competitive nuclear tests, leaving the bilateral political climate for a boiling temperature, especially in the view of Kargil war in early 1999. This probably would have led to irreparable damages between the two archrivals.

The sixth and final objective, as Assistant Secretary for South Asia, Karl Inderfurth stated was to secure India to “accept IAEA (International Atomic Energy Agency) safeguards on all nuclear facilities.” But through out the talks from June 1998 to the till the end of the tenth round of talks, the US did not take it up very seriously. Even if this matter would have found a place in the talks, given the past experience the probability was that India would have definitely not accepted the IAEA safeguards on its nuclear facilities, as the demand directly impinged upon its sovereignty and security.

**Overall Evolution of Success of Nuclear Diplomacy**

When it comes to the overall evolution of the success of nuclear diplomacy of sanctions as to the vital issues like signing CTBT and FMCT, the underlying facts and diplomatic events enunciate that Washington’s diplomatic effort led by Talbott has scored limited success in pushing forward its security and non-proliferation agenda in South Asia, evidenced by India and Pakistan’s mere Willingness to abide by the CTBT. The US could not make India to agree to create an interim moratorium regime on fissile material production.

Indeed progress on CTBT and setting India and Pakistan to talk to each other was facilitated by the pragmatic view emerging in Delhi and Islamabad that the two sides would not lose much by being flexible on both issues. First it has already attained for itself a nuclear deterrent capability. Second, India would not like to carry out further tests primarily because of the first reason and secondarily the economic and diplomatic costs that another round of testing would involve. More test would serve no ground purpose.

Moreover, since India’s decision making regarding signing CTBT and strategic restraint primarily depending on Chinese and secondly Pakistani factor, India found it
hard to sign the treaty. The threat perceptions of India was flowing from the Chinese factor for its advanced weapons technology and Pakistan factor for its clandestine nuclear and missile nexus with Chinese and other powers. It is relevant to quote here, what the Director of Institute for International Economics, Dr. Fred Bergsten, said in a seminar in New Delhi: “Economic impact is not the reason in scoring the range of success in India and Pakistan’s case.....The role of threat perception of India and Pakistan to each other diluted the effectiveness of sanctions”.

So not only the sanctions failed to deliver its deterrence effect in preventing India’s nuclear tests, but also failed to achieve any of its non-proliferation objectives after the nuclear tests, both on the same reason that national security of a sovereign nation can not be compromised for any thing. The statement of the Under Secretary of State, Stuart E. Eizenstat, made during the hearing before the House Committee on International Relations partially reflected this. He stated: “That both countries [India and Pakistan] chose to go forward with their decisions to test, knowing full well the monumental consequences, underscores that ultimately sanctions may not deter nations from actions that they view... as fundamental to their national security concerns.”

India’s diplomatic moves with the US throughout the period from June 1998 till the end importantly underlined that cost did not matter but the national security of a sovereign nation that matters vis-à-vis decision making in its vital issues. This constrained the US to have limited success on its South Asia agenda. Having failed in its nuclear diplomacy of sanctions, the US started believing that a regular engagement with India on non-proliferation issues would prove more effective in advancing U.S non-


proliferation goals, particularly the goal of making India and Pakistan as well to observe restraints.\textsuperscript{89}

The above observations on nuclear diplomacy of sanctions, between US and India inevitably lead to test the hypothesis - "Sanctions, particularly nuclear non-proliferation sanctions, may not be effective should there be disputes especially that affect the target country's security" - positive. The US sanctions served for nothing but for its own economic loss caused not only by loosing potential market in India, but also by loosing credibility of its investors worldwide. The observations also test the first part of the first hypothesis - "with global environment based more on interdependence in terms of economy and technology, the sanctions are hoped to be effective on the countries imposed..." - negative, while second part of the hypothesis that the non-proliferation sanction has adverse effect on the imposer has been tested positive.

**Lifting of Sanctions**

**Agriculture Relief Act**

Ever since the sanctions were imposed on India, a pressure was getting precipitated domestically in the US to lift sanctions against India, while already the situation had been charged with opposition for employing the instrument of sanctions for promoting US the foreign policy goals. There was growing opposition in the Congress to sanctions and the idea to lift the sanctions was gaining momentum. While doubts about effectiveness of the sanctions emerged soon after they were imposed, farm state senators realized that the sanctions would block grain exports and thereby harm their constituents. For instance, House of Representative, Ron Paul, reacting against the sanctions triggered by India's nuclear tests, said, "the real victims of US trade policy, and specifically of our

\begin{footnote}
\end{footnote}
various trade embargoes, are American citizens who hope to sell goods abroad, most especially our agricultural producers.\textsuperscript{90} He expected the Administration and Congress to “reconsider destructive embargo policies” which, according to him, only harm American farmers and other producers including his constituents.\textsuperscript{91} As the momentum was gaining in the Senate to exclude agricultural products from the sanctions package, long-time non-proliferation proponent Senator Richard Lugar of Indiana quoted to have observed: “food should not be used as a weapon of foreign policy... When sanctions are unduly rigid and automatic, they become a roadblock to diplomacy.”\textsuperscript{92} Since the sanctions were severely hurting the farm export business of American farmers, in the first instance, Congressmen made efforts to waive the sanctions that affect US farmers. As a result they quickly worked to pass legislation exempting American farmers from the ban on export credits and guarantees.\textsuperscript{93}

President Clinton on 10 June 1998, urged quick passage of legislation sponsored by Senator Patty Murray to ensure that American farmers can continue to export wheat to Pakistan and India under the Department of Agriculture’s export credit programme. Even though the President said that “we are trying, wherever possible, to minimize the humanitarian impact on the people” of India and Pakistan, the fact was that it was to facilitate the American agriculture business community to export the produces of American farmers to India and Pakistan. In his call to the Congressmen to support agriculture relief act, President Clinton said sanctions on agricultural products would hurt


\textsuperscript{91} Ibid.


American farmers "without furthering the US important goals of non-proliferation of atomic weapons". 94

On 09 July 1998, the 100-member senate, on a vote of 98-0, approved the amendment to Section 102(b)(2)(D) of the Arms Export Control Act, permanently exempting loan guarantees extended by the US agriculture department for food and other agricultural commodities from the sanctions imposed on India and Pakistan. On July 14 the House of Representatives also passed it and on July 15 the President signed the legislation. In the legislation it was also clarified that humanitarian assistance from bilateral and multilateral sources would not be covered by the sanctions. 95 The overwhelming majority with which the legislation was approved was exhibitive on the popularity of opposition to sanctions for non-proliferation and disarmament cause in South Asia.

Senator Charles Robb observed that the senate action was recognition of fact that the impact of sanctions was clearly limited, adding further that the situation in South Asia was far too important to be micromanaged by Congress. Though there was general disapproval of the idea of using economic sanctions as an instrument of foreign policy or for advancing the cause of non-proliferation, agriculture export relief bill was clearly a Pacific north-west. During the two-hour discussion that preceded the passage of the bill, its sponsor, Mitch McConnell, said, "We should not sacrifice the American farmer in our effort to put the nuclear genie back in the bottle." 96


96 "US Senate Clears Partial Lifting of Sanctions", n. 95.
The haste with which the bill had been pushed through was to meet the July 15 deadline for submitting tenders for the wheat sale. Senators had warned against the delay in the passage of the bill. “We should rethink sanctions across the board and what we mean by them,” said Democratic senator John Glenn, the author of the 1994 law under which the Clinton administration was forced to impose nuclear-related sanctions on India and Pakistan. 97

Though the legislation was meant for both India and Pakistan, it was primarily to facilitate American wheat exports to help Pakistan. There was no much gain for India in the legislation. If the bill had not been passed, American farmers, already enduring low wheat prices, would have been prevented from exporting wheat to Pakistan. The sanctions had frozen $88 million in wheat credits for Pakistan in 1998 and threaten up to $350 million in new credits for the 1999. 98

The economic interests of the US came to contradict the non-proliferation interests immediately after the imposition of the sanctions. The paradoxical objectives of promoting economic markets and promoting non-proliferation goals depleted the pressure exerted by the economic sanctions on India. Senator, Joseph R. Biden, Jr. acceded, “The second shortcoming of our South Asia policy is that its two chief elements--commerce and sanctions--are contradictory. We use sanctions to punish proliferation at the same time we are promoting commercial ties to take advantage of long-overdue market openings in both countries.” 99

Meanwhile, reaction of the Congressmen to the passage of the Agriculture Relief Act also witnessed a strong feeling towards a complete lifting of sanctions against India.

97 Ibid.
98 Ibid.
Senator, McConnell told the media that he wanted the senate to consider broader legislation in September. He wanted to allow the US Export-Import Bank and the US Overseas Private Investment Corporation to resume lending to US trade in the region, and give the President more discretion over other penalties. Senator Byron Dorgan said, "We got a lot more to do". Senate agriculture committee chairman Richard Lugar said he would press ahead with his own proposal, which would make it more difficult for congress or the executive branch to impose unilateral sanctions. He said that "They (sanctions) tend to harm our industries and hamper our foreign policy more than to advance their stated goals," and that "This senate needs a broader debate on economic sanctions and their consequences."100 And in a separate observation, Senator Moynihan said the US needed to have different approach, rather than sanctions approach, which he felt, was not effective in achieving US goals in India. After the nuclear tests by India and Pakistan, assuming that a nuclear war was closer than Cuban missile crisis, he said, "This is a challenge which will compel the highest attention and the most subtle diplomacy... Congress must also be involved in addressing the issues, which arise from the nuclear tests in South Asia. Legislation is required to lift the Sanctions..."101

Considering the failure of the US to acknowledge "the fundamental sense of insecurity felt by both India and Pakistan since the end of the Cold War" and the contradictory policy of "commerce and sanctions" in South Asia as traditional approaches, Senator, Joseph R. Biden, Jr. said, "Traditional approaches have not worked in the past in South Asia and will not work in the present situation. We need to think 'outside the box'"102 Stating that "multilateral sanctions are more effective than unilateral

100 "US Senate Clears Partial Lifting of Sanctions", n. 95.


102 Biden, Jr , n. 99.
sanctions” he said, “Congress should provide the President with the flexibility to negotiate a package that would lift sanctions in exchange for restraint by India and Pakistan.”

After the imposition of sanctions on India, putting thrust upon maintaining good relationships with India, Senator Frank Pallone, the founder of India caucus in the Congress, said, “These sanctions are extremely severe and may affect as much as $20 billion in funds to India...imposing further economic sanctions on India is meritless and counterproductive to current relations.” And later he strongly urged the President Clinton to continue with his plans to visit India later in 1998 to improve relations with India, that he felt as paramount.

Brownback Amendment for Partial Waiver

Concerns were raised both in the Congress and Administration about the lack of a waiver provision for lifting the sanctions. Originally the proliferation prevention act contained no clause for lifting of sanctions, thus imposing a straitjacket on the President's option of easing sanctions as part of carrots-and-sticks diplomacy. That limited the ability of the United States to influence the future direction of Indian and Pakistani nuclear policies. Therefore, in response to this concern, members of the Senate introduced legislation to provide Presidential waiver authority. The Clinton administration also called for the authority to lift or ease sanctions, arguing that greater flexibility in the imposition of sanctions would enable the United States to negotiate more effectively with India.

Karl Inderfurth, the Assistant Secretary of State for South Asia, also reflected

---

103 Ibid.
105 Ibid.
106 Cortright, n. 93.
the same in his testimony to House International Relations Committee Subcommittee on Near Eastern And South Asian Affairs. He said: "...we are significantly constrained in our ability to respond to any future progress or positive steps by either country. We also have little flexibility to modify their (sanctions) application in the event that there is an unintended, negative outcome to their implementation."\(^{107}\)

Many congressmen felt that the sanctions are not flexible instrument to deal with foreign policy objectives and saw they were hurting American business interests in India. Republican senator, Sam Brownback, and Democratic senator, Charles S. Robb, who visited South Asia, were convinced about the need to modify the US sanctions laws that were invoked against India. Senator Robb was more sympathetic towards India and generally shares Mr Brownback's view that some modification of the sanctions would increase US diplomatic flexibility in trying to persuade the South Asian rivals not to escalate tensions further\(^{107}\). In another development, Republican senator, Slade Gorton, had quoted as saying in a radio appearance that he and senator Pat Roberts (also Republican) "will do everything we can at an early time in the senate to end... these absurd sanctions."\(^{108}\)

Accordingly, during the discussion on Agriculture Export Relief Act, on 15 July 1998 the US Senate adopted a measure, introduced by Republican Senators Sam Brownback and Pat Roberts, to authorize the President to waive up to one year most of the economic sanctions. This was apparently a bid to strengthen Clinton administration's bargaining position in its dialogue with India and also with Pakistan on the nuclear issue, as it was believed to provide the needed flexibility to him. Senator Brownback said, "It is intended to provide the administration with the flexibility to waive sanctions for a 12-

---


month period, during which I am hopeful some semblance of economic stability, particularly in Pakistan, can be restored.”

The measure was also because of the pressure from the US industries, which were supplying food, equipment, and services from Kansas, Connecticut, Florida, Washington, Virginia, New York and California. They were instrumental in getting Brownback Amendment passed in the Senate in October 1998, as they had been hit badly because of the sanctions.

On 20th October 1998, the Congress passed omnibus spending legislation that contained a provision, named “India-Pakistan Relief Act”, giving the President the right to waive sanctions against India and Pakistan for up to one year, except for the prohibition on arms sales. The legislation did not permit waiver for US government sales of defence articles, design and construction services, foreign military financing under the Arms Export Control Act. In short, it provided the waiver on everything but defense related items. The thrust of the partially lifting of sanction has been on the economic aspect and access to military training.

On 7th November 1998, the US administration partially lifted the sanctions imposed on India and Pakistan as well. The rationale proffered by the US for lifting sanctions was the progress made in the bilateral dialogues between the US and India. While the US referred to the unilateral moratorium announced by India, it is significant to note that the moratorium was announced by India along with the tests and much before the imposition of sanctions. So was the announcement that India would join negotiations on the FMCT. No further concession was made publicly by India since then. The US

---


announcement was expected to help India create a more propitious domestic climate in favour of falling in line with the international non-proliferation regime.

The evidence which the US stated it had seen “of progress in curbing the nuclear weapons programme, strengthening controls on sensitive materials and control on production of nuclear materials”, was likely to have been part of the secret discussions between Talbott and Jaswant Singh, even though India had not made any public statement on this regard. A government of India press release merely stated that the bilateral “discussions have led to a narrowing a gaps of perception” and “it is in recognition of this that the United States has lifted some of the measures.” Strongly objecting the “selective and discriminatory approach” of the US in South Asia, the statement also said that India was of the “firm view that all such measures, particularly, those relating to lending by multi-lateral financial institutions should go” and that the “multi-lateral institutions in particular are economic and development-oriented organisations and should not be misused for political purposes to suit the whims and preferences of particular countries”.

On partial and unequal lifting of sanctions on India and Pakistan, the US said, it wanted to ensure parity of impact through unequal sanctions on India and Pakistan, meaning equal sanctions would hit Pakistan much harder. Lifting of same level of sanctions on Pakistan would mean meager relief to Pakistan’s economy and it would not bail out its already-shattered economy. Indian Prime Minister Atal Bihari Vajpayee criticized the US move to partially and unequally relax economic sanctions and help Pakistan get financial assistance from the World Bank and IMF. He said there was no logic in the US stand that Pakistan should be helped to get foreign aid because its economy was in a shambles and India’s was not and asked that “should India also make

its economic condition worse to get international financing?" He further said that India was opposed to any such illogical, discriminatory decision. Furthermore, he also asserted, "Pressure tactics could not force us to compromise on our security needs. We have heard that the US has decided to relax sanctions. It is good that people have begun to realize that we could not be cowed down by such coercive measures because there was enough resilience in our economy and strength in our people to withstand such sanctions. Threats of punishments can not work against India."\(^{113}\) He even warned that sanctions attempts such as denying visas to Indian scientists in view of India's nuclear test would be counter-productive. This statement of Indian Prime Minister proves that sanction will not succeed in a case that involves national security of a country, as national security is paramount to any country, however small the country may be.

It may be baffling us that what compels the US to tilt towards Pakistan even after the end of cold war. Before the seventh round of Indo-US dialogue, American Deputy Secretary of State, Strobe Tolbott, while sharing American perspective on this diplomatic process in South Asia following the nuclear tests in the "Times of India" newspaper, he stated, "As for Pakistan, there, too, the President (of America) felt we needed a fresh start. The end of the cold war had created the opportunity for a new, more sophisticated basis for US-Pakistani relations. He saw Pakistan as an Islamic society and democracy situated on the crossroads of the Near East and South and central Asia, to be facing choices that will resonate far beyond its own borders".\(^{114}\)

If the US interests during the cold war vis-à-vis Pakistan were Soviet-centric geostrategic one, the US interest in the post cold war world is South West and West Asia centric geo-strategic one. If the instrument of Foreign Policy of the US vis-à-vis Pakistan during the cold war was variety of assistance including arms and financial assistance, in

\(^{113}\) The Pioneer (New Delhi), 9 November 1998.

\(^{114}\) Strobe Talbott Lays out American Perspective on South Asia Diplomatic Process, n. 6.
the post cold war world, along with financial assistance, the concept of democracy have become the instrument of US foreign policy. Even though promotion of democracy might be a goal, but it is also an instrument of foreign policy, which is referred to any medium that helps protecting, serving and promoting the interests of a country. The US believes that a democratic country could better be influenced than an autocratic government to its tune in many respects particularly in foreign policy arena. The US believes, a democracy in Pakistan could better be influenced than an autocratic government to serve its interests including tackling terrorism, fundamentalism, promoting democracy, promoting human rights etc. in South West Asia and West Asia. The Pakistan was the only moderate Islamic country in the region and the US did not want to loose that leverage by its own activity of causing an all-round economic collapse and pushing into an autocratic state. Therefore, even though Pakistan has lost its cold war kind of geo-strategic significance to the US, it is perceived to be carrying its own strategic significance in terms of post cold war interest in the region around. Thus, the US “tilt” towards Pakistan, even after the end of cold war, continued again for geo-strategic reasons.

So, when sanction was partially lifted against India and Pakistan, the US lifted more sanctions including sanctions of World Bank and IMF against Pakistan, while they were remaining on India. Even though the US cited effecting equal impact on the economies of both the countries, India and Pakistan, as a reason for unequal waving of sanctions, the real intention was to bail out the Pakistan’s already ailing economy that would have forced the country to hit a rock bottom leading to a state of anarchy or autocratic country, the one that will be against the interest of the US in the South West and West Asia. This was the reason behind the politics of discriminatory use of non-proliferation sanctions policy in India and Pakistan.

Another interesting question that arises here is: “Does the partially and also unequally waived sanctions on India and Pakistan have any strategic value to achieve the non-proliferation goals of the US? And if so what is the strategy?” The waivers valid
until October 21, 1999, President Bill Clinton decided in a very limited, targeted way to lift sanction. The US officials said only Islamabad will get Clinton Administration support for loans from World Bank and other international lending institution for development projects.

The effects of easing the sanctions were:
- The US Exports Import Bank, Overseas Private Investment Corporate (OPIC) and the Trade Development Authority (TDA) was now be able to participate in deals in both countries.
- Pentagon was now able to resume international military education and training programmes in both countries.
- Access to US development agencies was restored.
- President Clinton had authorized US officials to approve international bank loans and a debt restructuring agreement with the International Monetary Fund (IMF) in case of Pakistan.

The US officials said that the sanctions were lifted because of the progress made by these two countries in curbing their nuclear weapons programmes. A senior administration official said that it was an effort to create a more positive environment for ongoing non-proliferation discussions. The other rationale was that the US was very keen to see Pakistan, whose economy was tottering, did not fold up and complicate matters in the region.¹¹⁵

During the regular briefing the US State Department spokesman, James Rubin, said that the Clinton Administration was prepared to use its tools in a “discriminating and flexible way” to achieve the stated objectives in South Asia. He said the US wanted to encourage through “incentives and disincentives”, that had “always been our policy.”¹¹⁶

¹¹⁵ The Hindu (New Delhi), 2 February 1998.

¹¹⁶ Ibid.
As James Rubin pointed out, the US administration adopted “discriminating and flexible way” and “incentive and disincentive” way in partial and unequal lifting of sanctions to materialise the strategy, but failed as Pakistan did not yield to the US expectations.

When the Democratic Congressman, Frank Pallone, urged Clinton administration to lift sanctions concerning the World Bank and other International Financial Institutions (IFIs), President Clinton indicated that for the “road map” strategy to work, “it is imperative that we will not lift the sanctions prematurely”. And even in the Senate approval of Brownback bill on “susension of the sanctions” against India and Pakistan, the Clinton administration made clear that it prefers “waivers” as opposed to suspension or outright doing away of sanctions. Karl Inderfurth made it clear before the Senate Foreign Relations Sub-committee, “the administration welcomes….the decision of congress to extend the scope and durations of existing sanctions relief. And in our view, recent events have under scored the advisability of providing the President with flexibility in form of waiver authority versus suspension regarding both the scope and timing of sanctions relief. We believe that this flexible instrument of diplomacy could contribute to the goals congress and administration hope to achieve.”

So, it is understandable here that partially lifting of sanctions is a “carrot-approach” on India and Pakistan for making commitment towards signing the CTBT. The US administration had already said in an attitude of “stick-approach” that further lifting of sanctions on India and Pakistan would be in a phased manner which depends upon the progress of India and Pakistan towards achieving the US objectives. However, a statement of the Ministry of External Affairs of India said that it was “counter – productive” approach.

117 Ibid., 3 March 1999.
118 Ibid., 11 June 1999.
As seen already, the US lifted restrictions on lending from the multilateral banks in the case of Pakistan. It was maintained that the sanctions imposed in aftermath of May nuclear test had an adverse impact in the flow of foreign funds in the case of Pakistan. On the discriminatory approach towards India and Pakistan on normal developmental World Bank loans, the US officials had said that while the sanctions had a marginal impact on India, it had brought Pakistan to the brink of default on its international debt.

On the CTBT, it was believed that the US and Pakistan have finalized a “deal” on the treaty. The US condition for helping IMF assistance to Pakistan was, immediate signing of the CTBT on the part of the Pakistan. The US strategy here lies; an early Pakistan signature of the CTBT could be successfully used by its administration to pressure India to sign the treaty. But nothing of that sort was materialised as the Republican dominated US senate itself rejected the treaty, indicating the failure of the strategy of the US.

Permanent Waiver Passed

The passing of Omnibus Spending Legislation, which contained a provision named India-Pakistan Relief Act to waive sanctions up to one year, preceded robust debate in the Congress and in administration on the utility of economic sanctions in conducting US foreign policy. As seen already, many Congressmen and administration members expressed their opinion particularly against sanctions in South Asia and felt the need for a waiver. In the hearing conducted by the Senate Task Force on Economic Sanctions, the Director of Foreign Policy Studies, Richard N. Haass, testified on 09 September 1998 his views on the utility of economic sanctions in conducting American foreign policy, largely reflecting his study conducted on the subject prior to the Pokhran-II nuclear tests. He testified: “In a global economy, unilateral sanctions tend to impose greater costs on American firms than on the target who can usually find substitute sources of supply and financing... Sanctions tend to work best when international political consensus exists... All sanctions embedded in legislation should provide for
Presidential discretion in the form of a waiver authority. Such discretion would allow the President to suspend or terminate a sanction if he judges it is in the interests of national security to do so.\textsuperscript{119}

While the mood was precipitating against a unilateral imposition of sanctions, on 14\textsuperscript{th} October 1999, the US Senate approved Department of Defense Appropriations bill including a provision that gives the President authority to permanently waive all the economic sanctions imposed against India and Pakistan in response to the nuclear tests. This waiver legislation differed in two respects from the waiver legislation that was made in 1998. Firstly, it gave the US President to waive the sanctions permanently as the waiver did not have a definitive time period, unlike the 1998 waiver in which the authority to waive the sanctions was given for only one year. Secondly, it gave the authority to waive all the sanctions including the defense-related and dual use technologies items, which were excluded in the 1998 waiver. In addition, the Defense Appropriations Act 2000 contained a resolution, which was non-binding, expressing the “Sense of the US Congress” that the so-called Entities List was too broad and required refinement and narrower focus.\textsuperscript{120}

Following the approval of the bill by the Senate, On 27th October 1999, the Presidential determination regarding lifting of sanction read: “Pursuant to the authority vested in me as President of the United States, including under title IX of the Department of Defense Appropriations Act, 2000 (Public Law 106-79), I hereby waive the sanctions contained in sections 101 and 102 of the Arms Export Control Act, section 620E(e) of the Foreign Assistance Act of 1961, and section 2(b)(4) of the Export-Import Bank Act of


In partial exercise of the waiver authority under the Defence Appropriations Act 2000, the Clinton Administration lifted restrictions on: US EXIM Bank, OPIC and TDA activities; International Military Education and Training Programme; The lending by US Banks to the Government of India; Credit and Financial Assistance by Department of Agriculture to support the purchase of food; and, Certain assistance for Wild Life Conservation and Environmental Projects. In short, this had the effect of renewing the waiver on restrictions that was made under Brownback Amendment and which expired on 21st October 1999. No additional sanctions were lifted. The existing restrictions continued to be maintained on: Lending for non-humanitarian purposes to India by International Financial Institutions, such as the World Bank, IMF and ADB; Sale of defence articles and services as well as military financing under the Arms Export Control Act; and, Export of items on the US Munition List.\(^{121}\)

Despite a complete and permanent waiver authority was given to the President in the Defence Appropriation Act 2000, the President did not lift all the post-Pokhran II sanctions, including non-humanitarian assistances, if not pre-Pokhran II sanctions under MTCR. As the Indo-US strategic dialogue was still going on the U.S wanted to preserve certain leverage against India and perhaps to mark symbolically its protest against India's nuclear tests and its failure to sign the CTBT. It is to be noted that even though India did not meet the benchmarks of the US including the signing of the CTBT, the US had lifted most of the sanctions imposed on it. The move to lift most of the sanction exhibited the realization of the US that India cannot be cowed down for taking a decision that directly


impinges upon its national security. The Congressmen, Administration officials and
scholars unequivocally exhibited the understanding that US sanctions on India was costly
for American business, especially when the US failed to muster necessary broad concrete,
multilateral support to its sanctions against India following the Pokhran-II nuclear tests.

And, in tune with the resolution of the Defence Appropriations Act 2000, which
also expressed the "Sense of the US Congress" that the so-called Entities List was too
broad and required refinement and narrower focus, on 17 December 1999 the US
Department of Commerce announced that 51 Indian government agencies and private
companies were removed from the list of about 200 entities originally sanctioned in 1998.
The 51 freed entities included a host of ordnance factories and scientific institutions such
as Bharat Heavy Electrical Limited and Tata Institute of Fundamental Research. The
removal was to focus more tightly on those entities that were directly involved in
proliferation activities. Removal of the entities from the list was to make it easier for
them to obtain US goods and technology, especially non-sensitive products that
ordinarily did not require an export licence for India. The Clinton Administration,
however, made it clear, that the US policy of denial of dual-use items controlled for
nuclear and missile technology reasons to all Indian and Pakistani entities remained
unchanged. The Ministry of External Affairs of India said in its press release that it
was a "step in the right direction" and that it expected it would lead to the "complete
abolition of this restrictive list".

Further, during the President Clinton’s visit to India, parts of the US Agency for
International Developments (USAID) specific programme that had been in the limbo
since India’s Pokhran II nuclear tests, had also been resurrected. The President Clinton
announced $2 billion in financial support for US exports to India through Export -Import

122 "Waiver of Certain Sanctions Against India and Pakistan", n. 120.
123 "Press Release Issued by Ministry of External Affairs on Review of Entity List by the United States", n. 34.
Bank. Clinton lifted restrictions on several financial assistance programs including a $25 million initiative to provide assistance to strengthen Indian financial markets and regulatory agencies terminated in May 1998. His visit also marked the US companies signing agreements worth $4 billion on projects with Indian firms.

Senator, Brownback, who earlier had occupied the position of Chairman of the Senate Foreign Relations Sub-committee on South Asia, was critical that the Clinton Administration had missed a perfect opportunity to lift all the sanctions against India during his trip to India. The Senator said, delay in the complete lifting of sanctions, despite such authority had already been given to the President, was "outrageous" while his administration was trying to lift sanctions against North Korea, which was aiding "rogue" states. The Senator, Brownback, and Congressman Gary Ackerman, backed by several of their colleagues, called for lifting of remaining sanctions against India immediately or at least before Vajpayee visited in the September 2000.

Though the sanctions were gradually being lifted by the Clinton administration, the US non-proliferation objectives in South Asia were still intact. In his speech to parliament during his visit to India, Clinton said, "If India's nuclear tests shook the world, India's leadership for non-proliferation can certainly move the world". He obviously wanted India to halt nuclear programme by meeting the non-proliferation benchmarks set forth by the US, indicating that the non-proliferation issue was still an important factor in Indo-US relationships.

---

124 News Times (Hyderabad), 28 May 2000.

125 Ibid., 13 July 2000.

126 Ibid., 28 May 2000.

127 "Address by the President of the United States of America to the Joint Session of Indian Parliament", 22 March 2000, Reproduced in World Focus (New Delhi), June/July 2000, p. 37.
After the dust of Clinton's visit settled, the non-proliferation issue was continued to be raked up in the US. Thomas Pickering, Under Secretary of State for Political Affairs, in a speech at John Hopkins School of Advanced Studies said that "No issue is more important to American security than our efforts to counter the threats of weapons of mass destruction, especially nuclear weapons and their means of delivery". And he said in plain words, "Non-proliferation will continue to play a central role in our relation in the sub-continent. Even as we seek to build a new and qualitative closer relationship with India, that relationship cannot realize its full potential without further progress on non-proliferation".128 Also the Secretary of State, Ms. Madeline Albright, pronounced that the "full potential" of Indo-US friendship "cannot be realized" unless India fell in line with the American theology on international security affairs that is till India endorsed the NPT regime and singed the CTBT.129

In fact, after the failure of the ten rounds of series of bilateral dialogue that lasted from June 1998 to December 1999 between the US and India, both the sides stopped insisting on their demands vis-à-vis nuclear issue. India stopped demanding removal of sanctions, even though it held that it was against the sanctions, while the US stopped insisting its non-proliferation demands. Notwithstanding the improving bilateral relationship indicated by Clinton's visit, India decided to not to act as a "supplicant" to get the US to lift the sanctions, leaving Indian and American companies filling the gap. India's Ambassador to US, Naresh Chandra, said, while India remained opposed to sanctions regime, Indian and American companies was making due representation against it.130 In the US also the non-proliferation issue was not put in the backburner, though the US wished India to meet the non-proliferation benchmarks. During Prime Minister, Mr.

128 The Times of India (New Delhi), 29 April 2000.

129 The Hindustan Times (New Delhi), 11 May 2000.

130 Ibid., 01 September 2000.
Vajpayee’s visit to the US in September 2000, the Assistant Secretary of State, Karl Inderferth, said that “Nuclear non-proliferation will not be on backburner—it will be front and center and both countries should address one of the most important security issues of the 21st century”.  

India continued to stick to its stand on disarmament viz total disarmament rather than non-proliferation, which tries to push through treaties like CTBT. During his visit to the US, the Prime Minister, Vajpayee, highlighted once again the underpinnings of Indian government’s policy approach to the nuclear question. While defending India’s decision to “acquire credible minimum nuclear deterrent” as not having taken away from India’s belief that peace was better guaranteed by disarmament than deterrence, the Prime Minister said, there was “little inclination on part of nations that have acquired huge stockpiles and delivery systems to turn their swords into ploughshares”.

The Prime Minister also reminded India’s view against the US sanctions. The Prime Minister’s statement before the Asia society suggesting that continued sanctions against India on the nuclear issue were incompatible with the Indo-US agreement that India was a ‘natural ally’ of the US found an echo in Congress. It was heartening that while host of sanctions remained, including restriction on export privileges, duel-use technology sales and military trade, the calls in the Congress for the lifting of the remaining sanctions, were growing louder.

The new Administration in the US headed by the Junior Bush, from the very beginning indicated lifting of the remaining sanction with the administration largely giving continuity to the policy of the Clinton Administration towards India. At a time when the Minister of External Affairs, Jaswant Singh, was going to meet high ranking

---

131 Indian Express (New Delhi), 08 September 2000.
132 The Hindu (Madras), 09 September 2000.
133 News Time (Hyderabad), 11 September 2000.
Bush administration officials in Washington, on April 3, 2001, forty seven US lawmakers, Republicans and Democrats, in the House of Representative had written to the President Bush, saying that as the economic sanctions imposed on India in 1998 had not served to advance American interests, they must be lifted. Urging the Bush Administration to build the bilateral relations on the progress made in the Clinton Administration, the lawmakers said that they believed “it is essential that the US re-engage India in a policy dialogue to made possible the lifting of sanctions”. The Congressmen told the President further that economic sanctions against India “disrupted the grouping economic ties between our countries”, complicated access to India for international financial institutions and that the Entities List needed to be examined and pared back.\(^{134}\)

Meanwhile, while a permanent waiver authority had already been given to the President to lift sanctions, this time a legislation to lift the sanctions on both India and Pakistan imposed in the wake of their nuclear tests, was introduced in the US Congress by Congressmen, Jim McDermott (Democrat) and Ed Royce (Republican), co-chairman of the India caucus. The bill proposed to eliminate all prohibitions on sales including high-technology dual use equipments to India under the Arms Export Control Act. Other provisions in the AEC like providing financial assistance was to remain under the sanctions purview.\(^{135}\)

**Sanctions Permanently Waived**

The bipartisan momentum in the US Congress and broad consensus in the administration were increasingly gravitated during the whole three years of sanctions period towards lifting sanctions against India. When the long-awaited South Asia policy review was reaching final stages, a senior Bush Administration official said to Times of

\(^{134}\) The Hindu (Madras), 06 April 2001.

\(^{135}\) Times of India (New Delhi), 08 April 2001.
India newspaper that “it will be a matter of weeks, not months” that will take for lifting all pending sanctions imposed in the wake of nuclear tests in 1998. 136 Accordingly, for India’s expectation, on 22 September 2001, in pursuant to section 9001(b) and section 9001(a) of the Department of Defense Appropriations Act, 2000 (Public Law 106-79), the US lifted permanently all the remaining sanctions, except pre­pokhran II nuclear tests under the MTCR. In the Presidential determination, President Bush, said: “...I hereby determine and certify to the Congress that the application to India and Pakistan of the sanctions and prohibitions...would not be in the national security interests of the United States. ...I hereby waive, with respect to India and Pakistan, to the extent not already waived...”137 The Secretary of State was “authorized and directed to transmit this determination and certification to the appropriate committees of the Congress and to arrange for its publication in the Federal Register”. 138 Unlike in the previous cases of lifting of sanctions that were effected for a limited period of time, this one was lifted permanently. The following remaining sanctions of the Glenn Amendment or Arms Export Control Act were lifted by the Presidential determination of September 2001.

• Prohibition on assistance under Foreign Assistance Act, US Government credit, credit guarantees and “other financial assistance” by departments, agencies, or instrumentalities of US lifted.

• Opposition for non-basic human need loans, financial or technical assistance through International Financial Institutions, like the World Bank, IMF and ADB was withdrawn.


138 Ibid.
• Barring of export licenses for US Munitions List items and certain dual-use items was revoked. (Individual waiver previously granted for helicopter parts to India.)

• Prohibition of government defense sales under Foreign Military Sales and Foreign Military Financing.\(^ {139} \)

The status of a number of Indian entities, which were put on the Commerce Department's Entity List for proliferation concern, was not affected by the recent waivers and remained under the sanctions purview.\(^ {140} \) This waiver does not extend, however, to sanctions related to violation of the Missile Technology Control Regime (MTCR) as imposed by the US on Chinese and Pakistani entities.\(^ {141} \) In a nutshell, the only sanctions that were not lifted in the waiver were export ban on certain Indian entities 'of proliferation concern' and dual-use technologies. The ban on dual-use technologies was already in place even before the Pokhran II nuclear tests under MTCR.

On 23\(^ {rd} \) September, spokesperson of the External Affairs of India, Ms. Nirupama Rao, noted in a diplomatic tone: "With the removal of sanctions, we can strengthen a broad based, forward looking and mutually beneficial relationship with the US."\(^ {142} \) While the removal of these sanctions was certainly a positive step for India, the fact remained that India had weakened the impact of the sanctions and learnt to live with them. This was underlined by, among other things, the successful test flight of the indigenously developed prototype of the LCA. India had always maintained that the economic


\(^ {140} \) Ibid.


sanctions were counter-productive and it did not serve the interest of both the imposer as well as the imposed.

On the US decision to lift sanctions on Pakistan, the Secretary of State, Mr. Collin Powell, referring to the terrorist attack on the New York twin-tower, said, "we consulted with the Congress, this past week in the light of these changed events, and in the light of very forthcoming position that the Pakistani Government has taken, and the President waived some of the sanctions that were in place yesterday."\textsuperscript{143} Even though the permanent lifting of sanctions had gained a positive momentum in Bush Administration, the immediate reason for lifting of the sanctions was the need for gaining support from the both South Asian countries, India and Pakistan, for the US war on terrorism in the South Asian neighbourhood, Afghanistan. The US lifted the sanctions on Pakistan first not on India, again for the geo-strategic reason; here Pakistan became a preferential base for war on terrorism in Afghanistan.

Meanwhile, the lifting of sanctions for gaining support from India and Pakistan for war on terrorism, led many non-proliferation scholars in US to criticize that the US conflicting goals or paradoxical objectives undermined the US non-proliferation efforts in South Asia.\textsuperscript{144} As seen already, also the US economic interest in India had come into direct collision with the promotion of non-proliferation objectives through sanctions and consequently the U.S gradually lifted all the post-Pokhran II sanctions permanently. This observation tests positive the hypothesis that paradoxical objectives of the sanctioner in the target state may damage the successes of the sanctions.


Future of the Sanctions Regime

Though the momentum to device mechanism to contain the horizontal nuclear proliferation was already there in the US, ever since its nuclear monopoly was broken by the USSR, India's nuclear test in 1974 added to the momentum to adopt various approaches to the issue of nuclear proliferation. In the bid to contain the nuclear proliferation, the US along with other concerned international players established international treaties like the NPT and CTBT to ban nuclear tests, instituted International Atomic Energy Agency (IAEA) to monitor diversion of fissile material from civilian nuclear programme and proposed Fissile Material Cut-off Treaty to ban the production of fissile materials. The US also established sanction regimes like Missile Technology Control Regime (MTCR) and other non-proliferation Acts containing sanctions provisions, which the US comfortably relied on in preventing further proliferation. The US attempt to contain the proliferation became all-pervasive; it was set to plug every loophole on nuclear proliferation front. The US attempted all these measures particularly on the nuclear threshold countries like India. The test ban treaties were rejected by India, as it perceived them to be discriminatory. The full scope IAEA safeguards were loathsome to accept for India as a sovereign nation. The MTCR could not yield desired results in India as India adopted the policy of self-reliance and achieved technological development in the field of missile technology.

Instituting sanctions regime was the most effective approach, the US believed, to contain the horizontal nuclear proliferation. The US believed that sweeping sanctions contained in many non-proliferation legislations would deter the threshold countries like India to freeze its nuclear ambition. The deterrence of sanctions failed and India went ahead with its nuclear tests; even after witnessing failure in deterring nuclear tests, the US tried the sanctions for its non-proliferation objectives in India and again the US witnessed no desired results.
As the US witnessed a failure in its first ever experiment of nuclear non-proliferation sanction under the Arms Export Control Act in India, efficacy and relevance of non-proliferation sanctions regime for the future has become questionable. As for as its future in India is concerned, the Arms Export Control Act would not be used again as per the informal understanding reached with India by the US prior to the using of permanent waiver in September 2001. According to the Secretary of State, Collin Powell, the lifting of sanctions was done after informally ensuring that India would not further go for nuclear tests. In an ABC television interview on September 23, while asked whether “lifting the sanctions [may be] something that in the long run may come back to haunt us [Americans]” because of any perceived weakness on nuclear proliferation issues, Powell replied: “I don't think it will come back to haunt us. I think we have made it clear to both of these countries [India and Pakistan] that we don't want to see a nuclear escalation any further in the region and I think they both have been acting rather responsibly...”

Non-proliferation sanctions failure in India may not discourage the US from employing the non-proliferation sanctions instruments on other countries trying to cross the threshold in the future. The kind of results the US sanctions experiments faced in India was due to scores of factors including the vast Indian economy’s resilience to succumb the pressure of the economic sanctions, economic interests of the US in India’s vast market, India’s steadfast resistance flowing from sovereignty and its compelling security reasons flowing from the fact that its past aggressors in its neighbourhood are armed with offensive nuclear capability. Though the factors of sovereignty and national security of a nation would play a dominant role in influencing a country’s will to cross nuclear threshold, the sweeping economic sanctions might have a considerable deterrence

effect in preventing a country of small economy like Libya from going for overt nuclear power. In this kind of case of small economy, the non-proliferation sanctions would still wield a considerable influence in discouraging nuclear ambitions. The US has succeeded in convincing Libya to abandon its military nuclear programme, because Libya did not have any compelling security reasons to stick to its defense nuclear programme. Nevertheless, in the case of countries of small economy, but with compelling security reasons like North Korea, the economic sanctions may again prove to be ineffective. This has what happened in the case of Pakistan. Pakistan’s economy was a small and shattered one when it decided to go ahead with its nuclear tests. The jingoism that prompted the series of nuclear tests in Pakistan was that the country may starve out of poor economy but still should go for nuclear tests, which, in Pakistan’s perception, was to ensure the security of the country especially when its neighbour, India, had recently gone for overt nuclear power.

And here again the kind of strategic significance the countries of small economies possess for the US would play a major role in the post-imposition of sanctions. This strategic importance of Pakistan helped to gain financial benefits from the US side despite the sanctions. It is well known that the lifting of sanctions against Pakistan was particularly because of strategic significance Pakistan possessed for the US war on terrorism in Afghanistan.

Though the US understands these limitations in employing the instrument of sanctions for non-proliferation purposes, as the Assistant Secretary of Bureau of Non-proliferation, John S. Wolf, says, reliance also on the employment of non-proliferation sanctions to deter future proliferation will be continued by the US, as it would be an additional non-proliferation measures to tight export control measures, incentives, IAEA

---

inspection etc. Still sanctions are an essential tool in a comprehensive non-proliferation strategy of the US. It is evident from the fact that after the lifting of sanctions against India and Pakistan, the Bush administration has reportedly imposed sanctions 22 times in the year 2002 and 32 times in the year 2003 sanctions for non-proliferation purposes. 

---

147 Bolton, n. 89, p. 12.