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Shadow-Boxing over Nuclear Supplies: A China-India Tussle for ‘Power’

China has now run the proverbial extra mile to demonstrate to India that it should know the limitations of its power to shape the emerging global order of the 21st Century. Beijing has done so by keeping India out of the Nuclear Suppliers Group, but explicitly disclaiming any such anti-India agenda. At a related echelon, New Delhi has acceded to the Missile Technology Control Regime, another high-profile group where significantly China is not a member. Outwardly esoteric, such a China-India shadow-boxing has not affected the dialogue between these two countries, at least not immediately. If sustained, such a potentially all-weather China-India dialogue should augur well for the future of Asia and the world.

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China’s nuanced interpretations of ‘international law’ in the domain of weapons of mass destruction – as well as India’s legitimate rights as a ‘rising power’ – have come to the fore at the Nuclear Suppliers Group (NSG). China is widely believed to have scuttled India’s latest bid to become a member of the NSG on 23 and 24 June 2016. Thereafter, with India

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becoming a proud member of the Missile Technology Control Regime (MTCR) on 27 June, these two mega-state Asian neighbours can be seen to have shared the ‘honour’ in this round of their competition for ‘rightful’ roles in shaping the future ‘nuclear order’ worldwide.

China is not a member of the MTCR – presumably a factor that has suited India which is being backed by the United States, still very much the global nuclear superpower in every sense of the term. However, India stays out of the NSG for an indefinite period even as Beijing disclaims any anti-New Delhi designs behind this denouement.

As a self-appointed cartel, the NSG monitors and controls the ‘nuclear security’ of the world. The NSG’s stated or implied objective is to prevent the vast majority of countries, and also every non-state actor, from producing or procuring and deploying the atom bomb – a universally recognised weapon of mass destruction. Another grandiose objective is to facilitate the production of electricity through a potentially safe and non-polluting ‘clean’ process of exploiting the dreaded nuclear energy. The nuclear cartel is not alone in seeking these goals. Its *modus operandi* is to regulate the transfers of sensitive dual-use (civil-military) knowhow and equipment from any country to other countries and/or non-state actors.

The NPT Doctrine and Dilemma

A question that has been fought out in the latest China-India shadow-boxing is whether the self-appointed NSG can arrogate to itself the role of administering the “discriminatory” Nuclear Non-Proliferation Treaty (NPT). In this poser, the NSG is considered to be less important than the United Nations-mandated International Atomic Energy Agency (IAEA), where India is a full-fledged member.

The NPT was fashioned in 1968 as an international instrument to ‘legitimise’ the possession of nuclear weapons by only five countries, including China, which had successfully tested the atom bomb before that year. While this Treaty came into force in 1970, it was not until 1992 that China (and France) cared to sign the NPT – their reasons are outside the scope of this paper. Since then, China has seen itself as a founding-member of the NPT regime, in the same league as the US, Russia (earlier Soviet Union), the United Kingdom and France.

In brief, the NPT does not “legitimise” the possession of nuclear weapons by India, which successfully tested its first device in 1974 in a ‘peaceful explosion’, and test-detonated powerful atom bombs in 1998. For all practical purposes, credible nuclear-weapon capabilities (such as India’s) are counted in a country’s inventory of military deterrence towards other countries. To this extent, the non-legitimation (surely, not de-legitimation) of the nuclear weapons that India possesses (or indeed Pakistan has acquired), as dictated under the framework of the NPT, should not trouble these non-designated nuclear powers.

So, the latest frenetic encounter of the diplomatic kind between China and India, complete with a meeting between their highest-ranking political leaders in Tashkent on 23 June, may be dismissed by the theorists as much ado about nothing or as esoteric diplomacy. However, it was important to the real-world that India’s Prime Minister Narendra Modi urged Chinese President Xi Jinping that “China must make a fair and objective assessment of India’s [NSG-membership] application on its own merits”.² The two leaders met in Tashkent even as the NSG began its annual plenary sessions at about the same time but in Seoul – this lent a touch of high diplomatic drama.

The Chinese official version of this Xi-Modi meeting completely downplayed this high drama by totally ignoring (or blacking-out) any conversation between these two leaders on India’s NSG-membership bid, which was then a real-time issue.³ The farthest that China would disclose on this issue was that Mr Xi pointed out that “the common interests between both countries are far beyond existing specific differences”.⁴ What was meant in this English translation of Mandarin words was that the common interests outweigh specific differences. Echoing such sentiments, the elegant Chinese spokeswoman in Beijing repeatedly said that China was seeking a criteria-based, not country-specific, formula for the NSG-membership of all countries which had not signed the NPT for whatever reason. India and its neighbour Pakistan, which is China’s designated “all-weather partner”, are in this category.

India countered China’s apparent disdain in the run-up to the latest NSG meetings. India’s External Affairs Minister Sushma Swaraj asserted that the substantive issue at stake was New Delhi’s credentials as a responsible nuclear power – a constant reality which the NSG had fully accepted in 2008, a decade after India tested powerful nuclear weapons. She also

² http://www.mea.gov.in/media-briefings.htm?dtl/26947/Transcript_of_Media_Briefing_by_Official_Spokesperson_in_Tashkent_on_Prime_Ministers_ongoing_visit_to_Uzbekistan_June_23_2016

³ http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1375407.shtml

⁴ Ibid

maintained that the real issue, therefore, was not China's new propagation of a one-size-fits-all sheaf of "criteria" which were yet to be formulated, in any case. Above all, she asserted that India would not oppose the NSG-membership bid by any other country (read as Pakistan) except to insist that each application should be treated on its intrinsic merits.⁵

China's Pakistan-Imperative

It requires no crystal-gazing to recognise that China had openly or tacitly encouraged Pakistan to file an application for NSG-membership, so that India's bid could be clubbed with Islamabad's. China knew full well, though, that the two applications could not be compared at all. It is common sense that the NSG should have had no difficulty in considering the membership application from India, which had duly obtained a valid "exemption" from the Group's own guidelines in 2008. Better known as a 'waiver', the exemption has already allowed India to try and access the full-spectrum of atomic reactors and the relevant technology as well as materials from the international market – all for the exclusive purpose of harnessing civil nuclear energy (i.e. generating electricity).

As a result of complex agreements that New Delhi entered into with the NSG and the IAEA in 2008 and thereafter, India has also succeeded in insulating its nuclear weapons-related facilities from international inspections of any kind. It is in this sense that the ongoing tussle for 'power' between Beijing and New Delhi, as a result of their shadow-boxing over international nuclear supplies to India, acquires the concealed meaning of strategic 'power' in addition to the ordinary meaning of electricity. As New Delhi never signed the NPT, there was no scope for international inspections of India's nuclear facilities of any kind until the NSG's 'waiver'. Since 2008, all new civil nuclear power plants in India are open to IAEA inspections.

Pakistan does not enjoy an India-like, NSG-granted, 'exceptional' status – a fact that rankles not only in Islamabad but also Beijing. New Delhi thinks that China has currently begun to try and unravel such a situation, by constantly propping up Pakistan as a functional nuclear power of the civil-military kind. China itself makes no secret of doing so through the patronising means that are open to a grandfather in relation to his grandson. In the name of

⁵ This is an annotation of comments by India's External Affairs Minister Sushma Swaraj. Details of her comments, in translation from Hindi, are derived from http://www.mea.gov.in/Speeches-Statements.htm?dtl/26954/Annual_Press_Conference... (19 June 2016)

‘grandfathering’, Beijing continues supplies of knowhow and materials for the horizontal and vertical expansion of the Chinese-aided nuclear power plants. The construction of these plants had begun before China acceded to the NPT in 1992. Yet, many believe that Pakistan’s “credentials” have indeed been spoilt by A Q Khan’s internationally-detected ‘clandestine network’ of promoting the development of nuclear weapons in some countries which had, in the first place, signed the NPT. China is, therefore, trying to help Pakistan come totally out of the shadow of this ‘clandestine network’.

Even without the Pakistan-factor complicating India’s NSG-membership bid, China’s strategic calculations play a huge part. In 2008, China first opposed and eventually agreed to support the US-piloted pro-India ‘waiver’ in the NSG. Privileged diplomatic sources have told me that China relented only after the-then US President George W Bush made a momentous telephone call to his Chinese counterpart Hu Jintao and asked for his support for the ‘waiver’.⁶ The ‘waiver’ for India was projected as an American foreign policy priority. At that point in 2008, China was still quite behind the US, despite the-then gathering global financial crisis and the glittering Beijing Olympics. In 2016, by contrast, China is able and willing to stand up to the US and its new-found strategic partner, India.

The Strategic Calculus

The Xi Jinping administration’s thinly-concealed but decisive campaign against India in the NSG in 2016 can be traced to a couple of more-recent developments of direct strategic interest to China. One, the now-outgoing US President Barack Obama had launched, not very long ago, a policy of military rebalancing of US forces in the Asia-Pacific region. Also known as Mr Obama’s ‘pivot to Asia’, this policy is but a euphemism for a bold attempt at strategic-military ‘containment’ of China in its maritime front-yard and beyond.

Significantly, in January 2015, India agreed to make common cause with the US in seeking to ensure “freedom of navigation” and provide some public goods in the “Asia-Pacific and Indian Ocean region”, including specifically the South China Sea.⁷ The US and India have

⁶ P S Suryanarayana, *Smart Diplomacy: Exploring China-India Synergy*, World Century, Hackensack, New Jersey, USA, 2016, p. 73

⁷ The finer details of the Obama-Modi strategic vision for the Asia-Pacific and Indian Ocean Region, conceptualized on 25 January 2015, can had from the websites of the White House and India’s External Affairs Ministry.

further announced, in June 2016, that a “road map”⁸ to translate this common goal has been outlined. It is common sense that such a US-India convergence of strategic interests should have weighted on the minds of the Chinese authorities at this time.

Of equal concern to China, also in early-June, must have been the Obama Administration’s explicit identification of India as “a major defence partner”⁹ into the future. While such a partnership has no publicly-stated ‘nuclear’ dimension of the military kind, it stands to reason that China has taken note of this new US-India partnership, too, before being assertive against New Delhi in the NSG in late-June. The Xi Jinping administration’s evolving strategy towards India should also be seen in another light: Privileged Chinese sources, familiar with the inside track of Beijing’s diplomacy, have told me that, going forward, the US may not be inclined to cede parity to China in Asia’s strategic affairs.¹⁰

Now, for a variety of reasons, China has placed India in a spot over the NSG membership issue, but New Delhi has not been swept off its feet. Surely, New Delhi’s accession to the MTCR, soon after the Indian debacle at the NSG, is not a consolation prize but a real trophy. As the MTCR’s nomenclature shows, the Regime regulates the international flows of military-sensitive missile technology as well as missiles and their components. India’s credentials have enabled it to join the MTCR, but China, not a member of the MTCR, has often been accused of supplying missile knowhow etc. to Pakistan. It is true that China, being a non-MTCR country, can claim that it has not violated the governing norms of this Regime. In a nuanced difference, the NSG had in 2008 itself accepted the non-proliferation credentials of India even though it was not (and is still not) a member of this Group.

Far from making or exchanging public statements on these lines, India and China have gone about in a business-as-usual fashion even as the diplomatic dust of their standoff over the NSG issue is yet to settle. India’s Finance Minister Arun Jaitley travelled to Beijing in late-June 2016 for previously-scheduled meetings, including the annual session of the Asian Infrastructure Investment Bank (AIIB). India’s stake in the AIIB’s capital structure is next only to that of the prime mover, China.

⁸ In June 2016, the US and Indian governments confirmed the finalization of a “road map” for their maritime cooperation in the Asia-Pacific and the Indian Ocean Region. Information can be gleaned from the websites of these two administrations.

⁹ A brief outline of the latest US-India defence partnership has been purveyed by both sides after the Obama-Modi summit in Washington in early-June 2016.

¹⁰ P S Suryanarayana, *Smart Diplomacy: Exploring China-India Synergy*, World Century, Hackensack, New Jersey, USA, 2016, p. 59

This is a good sign of all-weather Sino-Indian dialogue. In 2013 and 2014, summit-level talks were held even in the concurrent context of non-lethal but highly-tense military face-off between the two sides at some points along the Line of Actual Control in the disputed Sino-Indian border areas. This empirical reality can be seen as a step towards all-weather dialogue, in the absence of an all-out war or lethal military exchanges. Nonetheless, India and China should now begin to guard against not only lethal military flare-ups but also deeply-divisive diplomatic crises.

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