

Poliheuristic Analysis: 2008 Indo-US Civil Nuclear Agreement

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The history of the Indo-US ties is filled with ups and downs. During the era of the Cold War, besides a few episodes of convergence, India was seen as 'immoral' due to its non-aligned stance. After the disintegration of the Soviet Union, India continued to be viewed as an 'old problem in the new world'. India conducted nuclear tests in 1998 that shocked the administration in Washington and resulted in the imposition of economic sanctions. Although, a month later, the Jaswant-Talbot talks opened the gates for an intensive engagement that eventually resulted in the signing of the Indo-US Civil Nuclear Deal in 2008. Nuclear proliferation became the biggest roadblock in bilateral ties since India conducted its nuclear tests in 1974. In one instance, the nuclear deal removed the central problem of nuclear proliferation, and India became a part of the global nuclear system from being a nuclear pariah. Poliheuristic Choice Theory is an alternative to the prominent theoretical models and provides a two-stage model to understand how foreign policy decisions are taken. In the first stage, the decision makers of foreign policy, i.e., the actors, apply the non-compensatory strategy that allows them to remove the unacceptable alternatives and reduces the options of decisions. In the second stage, actors work on a compensatory mode and will choose the choices left among the remaining options and these options promise to minimize risk and maximize benefits. There were many non-compensatory heuristics for the Indian delegation that had to be removed to move on to the next step of picking the best of the remaining options. The agreement was the first international agreement that led to a no-confidence motion for the party in power.

The agreement is considered an important event for Indian foreign policy as it allowed New Delhi to gain acceptance and recognition of its nuclear and emerging power status. This led New Delhi to move closer to the five NPT-recognized nuclear weapons countries and be the sixth nation that can keep nuclear weapons and still participate in international nuclear commerce. This paper will examine the context of the negotiations and aim to understand the strategy of the Indian delegation by applying the PH theory.

Context of the Negotiations

In recent times, the bilateral relations between India and the United States have been elevated to a 'comprehensive global strategic partnership' (Ministry of External Affairs, 2017), and this elevation is rooted in the signing of the Indo-US Civil Nuclear that helped in changing the perceptions that hindered the growth of the relations. With time the relationship has improved, but the divergences and differences between them have shaped the history of the ties. The signing of the Indo-US Civil Nuclear Deal in 2008 was the culmination of the process started in 2005 by US President George W. Bush, and it was not just an end to a difficult phase of negotiations but rather a turning point in the relationship between the two nations. The road from becoming "estranged to engaged democracies" was a difficult one (Jain, 2016).

The history of Indo-US relations has been a tale of highs and lows since the start. The recent momentum seen in the relationship was also seen initially post India's independence, but gradually, the growing relations between both nations tapered off. India was one of the first nations to get independence post World War II, and it also shaped the idea of non-alignment in world politics. The rationale for this approach was rooted in India's own historical experiences, i.e. its struggle for freedom against the British, sympathy for similar battles in other places of the world,

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opposition to racial discrimination, and a desire for world peace (Shrivastava, 1981). Prime Minister Nehru believed in the idea of non-alignment to gain an advantage over the superpowers and avoid the bloc politics of the time. As the realist thinkers of international relations argue, national interests are the crux of any state's foreign policy, but in post-independent, India's foreign policy decision-making, morals played a prominent role as well. The relations started on the right note as the PM commenced his 1949 "Goodwill Tour" of the USA, and the relationship between the two nations was seen to be warming, but it was only from the outside. The CIA report in 1947 placed India as one of the least important countries for the US and also stated that New Delhi neither had the industrial-military capacity nor any skilled workforce (Krishnakutty, 2022). There was a period in the early 1960s when there was sustained strategic cooperation between the two nations. During the 1962 Sino-Indian War, PM Nehru wrote to then-US President John F. Kennedy to secure American support (Cohen & Jaishankar, 2009). Kennedy wrote back to Nehru that "the United States fully backed India against the Chinese attack. The letter promised both moral and tangible support if India sought help" (Riedel, 2015).

The grants and assistance the US provided helped build a partnership but were cut short during the 1965 Indo-Pakistani war, and the events in 1971 sowed the seeds of distrust in the relations. The US, in support of Pakistan, sent out its nuclear-powered carrier USS Enterprise into the Bay of Bengal during the 1971 Indo-Pakistani war, and this action soured the relations between the two nations as India sought help from the Union Soviet Socialist Republic and signed a treaty of friendship that resulted in a 'tilt' towards the USSR. The US also had a rapprochement with the People's Republic of China in 1972, and New Delhi saw an "Axis of Evil" forming in its neighbourhood. Also, the Pokhran tests of 1974 resulted in significant US-led sanctions against the emerging nuclear programme; these unilateral sanctions led to a shortage in uranium supplies that affected the progress of the civilian nuclear programme as well (Vijayalakshmi, 2017).

The shift in the relationship was seen post the Cold War as India lost its Soviet crutch and changes in administration on both sides heralded an era of convergence. Still, it was also short-lived as another tectonic event happened when India conducted Pokhran-II tests and became a nuclear weapons state. The US issued a strong statement condemning the tests, and the American intelligence community was shocked and embarrassed as they had no clue about the tests (Talbot, 2010). The US administration imposed economic sanctions on India, and the relations took a major hit. For the last two years of the past millennia, both nations held a series of bilateral talks over the issue of India joining the Comprehensive Test Ban Treaty or the Non-Proliferation Treaty. India, citing its national security interests, refuted being a signatory party of the treaty. The nuclear tests also opened up the pathway for dialogue and diplomacy that resulted in the Talbot-Jaswant talks. It is termed the "most daring and ambitious diplomatic feat that India has ever pursued since Independence" (Sharma, 2020). The discussions led to the foundation for the eventual shift in the relations, and eleven rounds were conducted in different places worldwide. The discussions led the path for engagement as they cleared the mistrust regarding India's nuclear policy and the evolving security concerns that New Delhi faced. It is considered to be the first serious attempt by the US to engage India in issues ranging from disarmament and terrorism to nuclear non-proliferation. The Bush administration came after the initial progress made by the Clinton administration. The Bush administration's decision to engage India as a rising global power meant that the deadlock over the nuclear question was to be broken (Pant, 2011).

In July 2005, the two leaders, President Bush and Prime Minister Manmohan Singh, announced a broad set of initiatives as part of the new commitment to a comprehensive bilateral relationship, and in this, the Civil Nuclear Cooperation Initiative was prominent. There were three core objectives in this. The first was eliminating the core differences that did not allow the partnership to grow. The second, as stated by the U.S. Department of State, was to support New Delhi's economic growth and energy security in a way that is conscious of the environment, while the last one was to strengthen the global non-proliferation regime (U.S. Department of State). This re-examination of the relationship brought forward the structural problems in the relations. There were deep-rooted dogmas in the Indian bureaucracy regarding the United States due to events such as the USA's close ties with Pakistan and China and the US dispatching its nuclear fleet to deter India during the 1971 war. These dogmas had to be removed for the eventual elevation of bilateral relations. There were many technical problems as well; one of them was the number of linked dual-use issues that had both nuclear weapons and nuclear power components. The US was the sole superpower at that time, and President Bush had a clear worldview towards India and is termed by Fareed Zakaria (2009) as "the most pro-Indian President in American history". Barely four months after the sanctions imposed on

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India after the nuclear tests in 1998, PM Vajpayee declared in a speech in New York that Washington and New Delhi are “natural allies”.

The stand taken by the American administration against Pakistan in the Kargil War made possible a new period of engagement between the nations. Islamabad’s violation of the Line of Control and bringing the region into nuclear brinksmanship was astutely criticized by Washington. The changing nature of the ties can be understood by noticing that the US aircraft carrier Kitty Hawk and Indian INS Virat participated in joint naval exercises in the Bay of Bengal in 2007. The same Kitty Hawk carrier was dispatched by Washington in 1971 to deter Indian troops from advancing against Pakistan to demonstrate close ties with Islamabad (Jain, 2016).

These developments created the climate for the US and India to engage and allowed the US to take stock of its relations with India and accommodate India’s legitimate interests in the nuclear arena. “Thus, conditions in the relations between the two countries headed by President George W. Bush and Prime Minister Manmohan Singh were ripe for a paradigm shift. At this time the nuclear deal emerged as an opportunity that would not only enable India to legitimize its possession of nuclear weapons but also help it to harness nuclear power for economic development” (Vijayalakshmi, 2017). The administrations of both states issued a joint statement in 2005 that talked about ensuring India’s energy security and eventually led to the signing of the ‘123 Agreement’ in 2008 (Jain, 2016).

Decoding the strategy used by the Indian delegation during the negotiations through the Poliheuristic Choice Theory

Several models, such as the rational and bureaucratic models, have been established to understand foreign policy decision-making. Still, as an alternative approach, the Poliheuristic Choice Theory Model (PH) “relies heavily on experimental cognitive and social psychology” (Vijayalakshmi, 2017). Alex Mintz has argued that the prominent models used to understand foreign policy decision-making do not consider the “how” of decision-making. In the words of Kai Opperman, the PH Theory of foreign policy decision-making has situated itself as one of the leading theoretical efforts that aim at understanding the “cognitive rationalist” divide in foreign policy analysis (Opperman, 2012). The PH theory has a two-stage model; in the first stage, the decision makers of foreign policy, i.e., the actors, apply the non-compensatory strategy that allows them to remove the unacceptable alternatives and reduces the options of decisions. In the second stage, actors work in a compensatory mode and will choose the choices left among the remaining options, and these options promise to minimize risk and maximize benefits. “Examples of the non-compensatory heuristic that guides the elimination of options are threats to a leader’s political survival and political constraints on the use of force” (Mintz, 2004). “In essence, the non-compensatory rule means that an expected poor outcome in one policy area cannot be compensated for by positive outcomes in another. Should a proposed policy negatively impact an issue that the state leader considers vital, then that policy will be considered unacceptable and discarded even if it is the most efficient solution” (Wescott, 2019). The PH theory emphasizes domestic politics and sees it as “the essence of decision”. A leader cannot have a high political audience cost, and a leader has to avoid a major loss that becomes non-compensatory. Although domestic factors have been overlooked, domestic costs play a huge part in foreign policy decision-making. One has to remember that the actors that shape foreign policy are political actors, and for them, their political interests are paramount.

The Indo-US Civil Nuclear Deal from the outside appears to fit the two-stage PH Theory model, one of the distinguishing features of the theoretical model. Negotiators of the deal have written that the Indian PM was initially reluctant to move forward with the agreement. He had to be convinced first that the deal was a win-win for both sides and would not hinder the strategic programme of the nation. “Evidence also reveals how the crux of Singh’s decision was based on concerns of acquiring nuclear power to meet India’s energy shortage without affecting its strategic programme” (Vijayalakshmi, 2017). Another impediment to signing the deal was that the Government of PM Singh was a coalition government with the Left Parties being a part of it and who opposed any collaboration with the United States. Analysts have noted that the parties threatened to withdraw their support and bring down the government if the Prime Minister used its authority to go ahead with signing the deal (Menon, 2016). As argued by K.P. Vijayalakshmi (2017) in her paper, “the external imperatives and internal constraints (recognition of India’s needs, nuclear history, and current necessity juxtaposed with the political loss) implied the use of the non-compensatory principle, especially for the delay in seizing the opportunity to sign the deal. As the negotiations went on, he

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rationalized the best option from the choices available that would be politically acceptable”.

PM Singh had to imply the non-compensatory principle as the stakes were his political survival. One of the biggest compulsions was the need to protect India's strategic nuclear programme in the external environment surrounding New Delhi and preserve the right to test as necessary. These non-compensatory principles required that the Indian side get the deal formed in a manner that clearly defined and separated the energy agenda from the weapons arena. The deal was a way to improve the bilateral relations between the US and India, and PM Singh had a broader plan in mind to strengthen the relationship and also end India's nuclear isolation while also taking into account the domestic ramifications of the agreement and applying the non-compensatory heuristic in making the foreign policy decision. In conclusion, the deal's significance can be understood through the four major events. First, the agreement was the most significant attempt by any American administration to forge strategic relations with India. Second, the agreement undermined decades of the USA's nuclear non-proliferation policy. Thirdly, the analysts have considered it a major event in the arena of international politics as the US had to bend some rules of the international order. Finally, it was a significant event in India's foreign policy as it allowed New Delhi to gain international recognition of its nuclear programme and also advance its strategic ties with the USA. At the same time, PM Singh risked his political survival for a foreign policy agreement (Mistry, 2014).

Understanding the strategy of the Indian delegation through PH Theory

On 18 July 2005, India and the US announced that they intended to conclude a bilateral civil nuclear agreement reflecting an unprecedented change in the estranged ties between the nations. From 2005 to 2008, it took three years to complete the deal, and the negotiations were never-ending, as stated by the ex-Foreign Secretary and the PM's special envoy Shyam Saran. Ambassador Saran argues that the talks were a learning curve for both sides as the American delegations were used to dealing only with their allies or adversaries but not with partners that demanded equality, and for the Indian delegation, the negotiations provided new learning in dealing with different power centres of Washington and to cope with shifting goalposts (Saran, 2017). To pursue these agreements, the US Congress also passed the Hyde Act in 2006, which allowed the administration in the US to share nuclear technology with New Delhi by bypassing the non-proliferation legal hurdles (Hosur, 2010).

The Indian delegation had a mandate given by the Prime Minister not to accept any limitation on the nation's strategic nuclear weapons programme. This was a non-compensatory principle for the PM as anything that would have reflected that New Delhi was losing control over the strategic nuclear weapons programme in the environment where Pakistan and China both had the nukes was politically unviable. One aspect of the agreement was going to be the separation of the civilian and military facilities, but for India, it was a non-negotiable that its strategic facilities remain outside the safeguards mandated as they served both strategic and civilian purposes. New Delhi was willing to bring most of its civil nuclear capabilities under the required safeguards, but it wanted the autonomy to choose which it wanted to put and which it did not and when. There was also the trust factor as to why India should trust the USA. The US had already gone back on its promise to supply the US-built Tarapur power reactor with supply for its lifetime.

The pre-negotiation stage is the stage in which frameworks are established, and the negotiators plan strategies. As provided earlier, the context of the negotiation assured that the nuclear aspect was the only feasible option to break the impasse in the bilateral relations, and frameworks were established to negotiate the agreement. The next stage is the initial round, where both sides state their positions. India and the US had structural problems with Indian bureaucracy, particularly having reservations about establishing strategic relations with the US. Four issues needed to be solved to secure the agreement. The first hurdle was the number of reactors that would be placed under the safeguards; the Indian delegation was fixated on having ten reactors under the watch, whereas the US wanted all of the 22 reactors under the protection. The Indian side knew that it had to put its nuclear reactors under international safeguards if it wanted international cooperation but it also could not put all of its reactors under watch as it would undermine the strategic component of its nuclear weapons programme. At last, both sides agreed on having 14 of the 22 reactors to be put under safeguard in a phased manner over five years (Saran, 2017).

The second problem was whether the fast breeder reactors would be accepted as civilian or not, as India's

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Department of Atomic Energy had always included them in the civilian list but also argued that these reactors represented “proprietary technologies” and, therefore, could not be put under safeguards (Menon, 2016). These reactors were not put under safeguards as India demanded to select the reactors to be placed under the safeguards voluntarily.

The third hurdle was regarding the permanent safeguards. The US delegation argued that under its law, if a civilian facility has been put under protection, it will remain under it for a lifetime. The Indian side did not accept this demand as it wanted to assure the fuel supply while citing the past incident where the US had confirmed fuel supply for the Tarapur reactor but, post the 1974 tests, imposed sanctions and cut short the fuel supply. Indian delegation tried to maximize its benefits and minimize the risks and got the lifetime fuel supply pact signed by the US, and the US administration approved “to further guard against any disruption of fuel supplies the United States is prepared to take the following steps: The United States is willing to incorporate assurances regarding fuel supply in the bilateral US-India agreement on peaceful uses of nuclear energy under Section 123 of the US Atomic Energy Act, which would be submitted to the US Congress” (Saran, 2017). This was a major problem that got resolved and allowed the Indian delegation to be more trusting of the US side as President Bush directly intervened to provide India with these assurances to assuage the fears of an uninterrupted fuel supply.

The US delegation also demanded assurances that India would not test another nuclear device and, in return, would receive the international community’s support in civil nuclear technology, fuel, and equipment. This issue was politically unsafe for PM Singh’s administration as any agreement that reflected India being treated differently from other Nuclear Weapons States and, most notably China, would result in protests and strong reactions. The agreement’s final text does not affect the US’s legal and statutory right to suspend civilian nuclear commerce if India conducts a nuclear test, and New Delhi also retains the right to conduct a test if it wishes to do so (Menon, 2016).

Another exemption that India demanded was a clean exemption from the Nuclear Suppliers Group (NSG) for nuclear commerce. Initially, the Indian delegation felt that the US was trying to achieve through NSG what it could not achieve bilaterally (Saran, 2017). After intense political weightlifting by India and the US, the US’s allies caved under the US pressure to provide India with a clean NSG waiver that India required to make the Civil Nuclear Agreement fruitful.

PH Theory allows one to determine the non-compensatory heuristics a leader ascertains before making a foreign policy decision. PM Singh understood the importance of developing strategic relations with the US but was also willing to turn it down on the eve of the final decision if the deal meant that New Delhi had to sign the Comprehensive Test Ban Treaty or the Non-Proliferation Treaty. These were termed as the red lines that could not be crossed in the negotiations (Vijayalakshmi, 2017).

Although the nuclear deal was not as big an issue for the domestic audience, the coalition government and the survival of the government made the choices more difficult for the PM. “The narrative makes clear that Singh’s decision-making with regard to the Indo-US nuclear deal is consistent with all aspects of PH theory. The emergence of the deal as an opportunity provided by the US to reset ties is consistent with the non-holism and order sensitivity criteria of the theory. The delay in the finalization of the deal reflects the domestic salience of the nuclear deal through the logical compulsions of coalition politics. This in turn brings the non-compensatory principle into play in Singh’s decision-making” (Vijayalakshmi, 2017). After filtering out the non-negotiables, the Indian delegation tried to extract the maximum benefits and argued for an uninterrupted fuel supply for the lifetime of the nuclear plants and received the clean NSG waiver.

The role of PM Singh in signing the deal

As soon as the Separation Plan was announced, the regional parties ignited protests, and there were voices from several domestic quarters that the UPA Government was “surrendering” to the US on the plan regarding the separation of the nuclear plants (Kazi, 2009). This agreement was an issue where both the right and the left parties came together to criticize the UPA Government. The BJP argued that the government had surrendered to the US by accepting perpetual safeguards on nuclear plants (The Times of India, 2006). The BJP also could not give away the

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chance to gain an electoral advantage by opposing the deal. The same party initially conceived of such a deal and suggested that it could negotiate a better deal if it came into power (Pant, 2011). The left parties have always had an anti-US ideology, and their reaction to the agreement was not a surprise as they argued that this new Indo-US realignment should not be a containment measure to control the rise of China. "The Communists do not support India's nuclear programme and have remained the most rabid anti-American segment of the Indian polity" (Pant, 2011). The US was not viewed as a reliable partner by the Indian masses due to its close relationship with Pakistan, but the Indian Government, right from PM Vajpayee, realized the importance of building a strategic relationship with Washington and PM Singh concurred with the view.

There was domestic survival at stake for PM Singh as the coalition partners of the government; the left parties already stated that they would withdraw their support if the deal moved forward. PM Singh had a strategic vision of forging closer Indo-US strategic ties, and since the time he understood that the initiative would be a way to rebuild bilateral relations, he had a clear aim of securing the agreement. As stated by Shyam Saran, the PM's Special Envoy for the deal, "Right from the moment I came back from Washington in April 2005 and reported to him the initiative that could transform India's position in the world and its economic prospects, Prime Minister Manmohan Singh never looked back. He established a personal equation with President Bush, and this helped us overcome many difficult moments in the long-drawn negotiations" (Saran, 2017).

Domestic politics is considered the essence of the decision-making in the PH Theory, and the domestic factor played a crucial role in the agreement. The criticism from the scientific community was the toughest to deal with, but the PM's persistence in making the deal happen assuaged the fears of a strategic sellout to the US. The PM took a bold decision to go ahead with the deal, and his desire to see the deal go through resulted in tough political choices. "He had a personal stake in this agreement as he wanted to build his legacy on the nuclear deal. He put at risk his integrity and his image as a clean politician to get this deal through the Indian Parliament" (Pant, 2011). Many people besides the PM also played a monumental role in signing the deal. For instance, External Affairs Minister Pranab Mukherjee was key in building consensus inside the party and secured outside support to manage the government's survival.

There were arguments on both sides regarding the agreement. Some analysts argued it was a strategic sellout, whereas others understood the deal was a mechanism to bolster bilateral relations. After much internal politics and intense diplomacy to get a clean waiver from the Nuclear Suppliers Group and the approval from the US Congress, the government of PM Singh survived the no-confidence motion and approved the signing of the deal. The deal finally ended New Delhi's nuclear isolation and heralded an era of improved bilateral relations with Washington that now has taken the shape of a 'global strategic partnership'.

Conclusion

The PH theory is a theoretical model for understanding how decision-makers take foreign policy decisions while considering domestic politics as well. The Indo-US Civil Nuclear Deal was a significant foreign policy event for India as it gained international recognition of its nuclear programme and advanced its strategic ties with the USA while the PM risked his survival for this agreement. The deal was also significant as it was the first serious attempt by the USA administration to repair the bilateral relations after the Pokhran tests conducted by India. The US had to pass a new act called the Hyde Act to allow itself to have nuclear commerce with a nation that had not signed the Non-Proliferation Treaty. PH Theory is divided into two stages; in the first stage, PM Singh analyzed the costs and benefits of the agreement, and the benefits were way more. The nuclear initiative came as an option post the Jaswant-Talbott talks, and in PM Singh's view, the nuclear agreement was a way to strengthen strategic bilateral relations. Due to coalition politics and domestic pressure, the deal was packaged as an energy alternative focused on the 'civil' part to curtail the public response. The emphasis on the 'civil' clearly indicates the non-compensatory political loss aversion typical in stage one of decision-making. PM Singh assured the uninterrupted fuel supply needed to sustain India's strategic and civilian nuclear programme. In the second stage, it was PM Singh's conviction to go forward with the agreement that allowed minor technical problems to be solved, although he, till the last moment, was ready to end all the progress if the deal meant having to sign CTBT and NPT that India opposed and would have been politically unviable. Thus, PH theory provides an excellent framework to assess the Indo-US

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civilian nuclear deal and India's negotiation strategy that eventually allowed the elevation of bilateral relations.

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