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## ‘NUCLEAR’ INDIA AND NPT ‘PURIST’ JAPAN MEET HALFWAY

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In May 1998 when India conducted nuclear tests, its relationship with Japan took the biggest hit. A staunch NPT loyalist vehemently opposed to nuclear proliferation beyond the five nuclear weapon states, Japan was quick to suspend aid to India under its Official Development Assistance (ODA) programme. India was then among the top five recipients of Japanese assistance, besides enjoying its support in the IMF, World Bank and Asian Development Bank. But immediately after the tests, Japan moved to oppose India in regional and international economic and other fora such as the G-8, ASEAN Regional Forum and Conference on Disarmament. It also co-sponsored the UN Security Council Resolution 1172 asking India to roll back and eliminate its nuclear weapons programme.

In view of Japan’s agonising experience with nuclear weapons, it was not so difficult to understand why it took such offence to Indian tests. However, the greater problem lay in the fact that Japan associated non-proliferation primarily with membership of treaties like the

NPT and the CTBT. India felt that Japan did not understand its threat perceptions from a nuclearised neighbourhood. Nor did Tokyo appreciate its principled approach to non-proliferation.

Given such mutual misgivings, the estrangement appeared unbridgeable. But, the dawn of the new millennium saw both countries reaching out to each other. Things eased further once the US abandoned its hard-line position on India’s nuclear weapons. Japan too expanded its concept of the non-proliferation regime to acknowledge differences between subscribing to just the letter versus the spirit of non-proliferation treaties. This eventually enabled the recent signing of the Indo-Japan agreement on cooperation in the peaceful uses of nuclear energy on 11 Nov 2016.

Explained through the prism of a clean energy partnership, the agreement enables India to import nuclear material, technologies and reactors from Japan. Japan is a major user of



nuclear generated electricity. Its fleet of about 50 nuclear power plants had been efficiently operating for over 40 years before the unfortunate event at Fukushima in 2011 led to their closure in deference to public concern over nuclear safety. The plan is to slowly make them operational after requisite safety checks. The nation has advanced nuclear technology and is a major player in the global nuclear supply chain. In fact, Japan Steel Works is amongst the only five companies worldwide that has the capacity to manufacture large-sized single-piece pressure vessels used in large capacity nuclear reactors, the kind that India plans to import. American Westinghouse Electric, which is now owned by Toshiba uses components from JSW. In the absence of an Indo-Japan agreement, US nuclear industry with Japanese investment would have found it difficult to authorise transfers to India. The nuclear cooperation agreement, therefore, smoothens India's cooperation with others too.

### Meeting Each Other Halfway

India and Japan have both met halfway to make this agreement possible. For Japan, to accept nuclear cooperation with a nuclear armed, but non-NPT member, marks a shift from its very 'purist' position on non-proliferation. India, on the other hand, has shown respect for Japanese nuclear sensitivities by accepting, along with the main Agreement, a separate document in the form of a *Note on Views and Understanding*. This Note explicitly establishes the Indian

commitment to a unilateral moratorium on nuclear testing offered by then Indian External Affairs Minister in Sept 2008 as the basis for cooperation.

The Note elaborates upon Article 14 of the Agreement, which deals with circumstances of its termination. The Agreement itself makes no reference to conduct of a nuclear test causing termination of the agreement. But, the Note links cooperation to India's Sept 2008 statement. In case of violation of the test moratorium, Japan has, like the US, reserved the right to seek return of nuclear or non-nuclear material or equipment transferred as part of this agreement. Of course, the Agreement provides scope for consultations between the two.

Significantly, India is allowed to enrich uranium received under this Agreement or using equipment so received to upto less than 20%. India also has the right to go beyond that level of enrichment after receiving written consent from Japan. India is also at liberty to reprocess spent fuel obtained from imported reactors or equipment as long as its Additional Protocol with the IAEA is in force, and the activity is undertaken in a new, IAEA-safeguarded facility whose name, type, location and capacity is informed to Japan. Both these clauses are important. The enrichment rights would be useful if India decided to meet the fuel requirement of its ambitious light water reactor programme through indigenously enriched

uranium. Meanwhile, right to reprocess spent fuel would be useful for the fast breeder leg of India's three stage programme. Evidently, India is keeping all options open to enhance the share of its nuclear generated electricity.

Given the strategic importance of such agreements, it is noteworthy that it has fructified when China is growing in its assertiveness and is a source of concern for both Japan and India. US President-elect Trump did not exactly sound reassuring to Japan during his campaign speeches when he referred to a rethink on US extended deterrence. Who knows if Japan is compelled to conduct nuclear tests in the future?! While such a scenario appears surreal today and it will not be easy for Trump to undo years of US security and defence commitments, it is not surprising that Japanese leaders have begun to look for partners elsewhere in Asia. India is a natural choice given its own reservations about the uncontested emergence of China. Meanwhile, India can use the agreement to press China on its undue rigidity on NPT when Japan, the staunchest loyalist has relented.

Lastly, it may be mentioned that Indo-Japan nuclear cooperation has potential beyond only nuclear imports by India from Japan. One such area is for the nuclear Centres of Excellence of both countries to engage. Japan has long had a CoE particularly active in providing training in nuclear security and non-proliferation. India's CoE is relatively nascent but ambitious in its

scope. Both could collaborate to provide support to emerging nuclear power programmes in Asia and avoid duplication of efforts. Also, there is scope for cooperation on nuclear R & D for next generation reactors since both India and Japan evince a role for nuclear power in their future energy mix.

India and Japan have overcome conservative positions to conclude the nuclear cooperation agreement. The much hyped 'nullification clause' actually became the facilitator of the agreement. By holding India up to a stringent promise, Japan has sought to reassure its domestic critics of the cooperation. Meanwhile, India has only reaffirmed its unilateral moratorium. It has not surrendered the right to test. But any decision to do so would depend on many politico-economic and military-diplomatic considerations. While such a requirement may or may not emerge in the future, Indo-Japan nuclear cooperation in the meanwhile is sure to be of mutual benefit.

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