India-Russia Nuclear cooperation: Understanding the geopolitics around it & the basis of trust

Introduction

India & Russia enjoy a special and privileged strategic partnership. In the historic, long-standing relationship, the engagements between the two nations have not only been diverse but also strategically reliable. Nuclear technology is one of the most sensitive domains in international politics. India and Russia have had a very consistent, unswerving & mutually beneficial collaboration when it comes to Cooperation in the Nuclear field. One of the earliest occasions of Nuclear Cooperation can be traced to 1961 when India & the USSR signed an agreement on scientific & technological Cooperation. The USSR came as a guardian angel for India in the 1970s. Post-1974 Peaceful Nuclear Explosion (PNE), the USA & Canada ended their Nuclear Cooperation with India. The Soviet Union officially reached a deal to supply nuclear power plants with fuel. Both the nations managed a very steadfast nuclear cooperation despite the global nuclear political churns. In 1988, the two sides inked an agreement to construct two nuclear 1000MWe Nuclear power stations. The project was to have IAEA safeguards, a persistent Soviet demand keeping in view its non-proliferation ideals. Later in the 21st century, the governments expanded the project to 6 power stations at Kudankulam. The Cooperation is just not limited to the nuclear energy sector. Russia has also leased India a nuclear submarine. India & Russia have managed their relationship vis-a-vis Nuclear Cooperation in a very mature manner & have navigated the differences skillfully.

Geopolitics and Cooperation: From the past till Present

India-Russia relations cannot be understood in toto without reflecting on the past. The history of India-USSR relations is aberrant in its sphere. The relationship vis-a-vis nuclear cooperation has its anomalous traits. Someone once said, "the Americans and their allies would have been angry; the Russians would have been unhappy"(Thakur, 1991) had the Indians fait accompli their nuclear

ambitions (Szalontai, 2011). One of the closest phrases to describe the relationship (at least in the field of Nuclear cooperation) would be 'vacillating stands'. To better understand the vacillating nature of the relationship, it would be prudent to contemplate the Soviet Unions' policy almost till 1989.

"Soviet policy vacillated between disapproval (during the NPT negotiations), silence (in the aftermath of India's May 1974 nuclear test), and gradually increasing technical support for India's civilian nuclear program (from 1976 onward)"(Szalontai, 2011). Soviet Union's strategic thinking was mostly shaped by the factors such as "efforts to maintain and enhance its influence in South Asia, the dynamics of US-Soviet-Chinese-Indian-Pakistani relations, and Soviet concerns about the Pakistani nuclear program"(Szalontai, 2011).

One of the prominent differences in outlook between the Soviet Union & India was over Non-Proliferation Treaty(NPT). The Soviet Union, driven by its quest to prevent the nuclearisation of West Germany, strongly advocated for NPT. India's opposition to NPT shuddered the Soviets. They believed that India's opposition might give teeth to others, particularly critics in West Germany. Another reason that kept the Soviets on the tenterhooks was their presumption that India would turn pro-America once they acquire the nuclear bomb (Szalontai, 2011). The Soviets made attempts to dissuade Indians from conducting further tests only to be disappointed. But once India came public about its Peaceful Nuclear Explosion(PNE), the Soviets avoided criticism (Szalontai, 2011). Some of the factors that influenced the Soviet's attitude were in coherence with strategic calculations in the post-explosion scenario. One of the most important considerations for them is that India would pose a rival to the Chinese in Asia (Szalontai, 2011). Another factor was that West Germany no longer possed the nuclearisation threat and, above all, the Soviets found an opportunity to strengthen their relations with India in the backdrop of Western Criticism (Szalontai, 2011). The Soviet silence was not as easy as one might speculate it to be. Being faced with a conundrum wherein any non-differentiation of Indian capability at par with the other P5 countries would automatically label them as proliferators & any acceptance, despite the peaceful explosion, would be like a green signal to the proliferation (Szalontai, 2011).

The peculiarity about international politics is that it's never in the shades of black & white. The majority is in the shades of grey. The geopolitical calculations of the Cold War, with the US being the biggest factor, heavily influenced the choices of the Soviet Union. The Soviet Union did not want to lose grounds on its non-proliferation ideals especially to the US. To show its commitment to the non-proliferation vows, the USSR issued joint statements with the US on two occasions. First, in November 1985, in Geneva, where Reagan & Gorbachev held a summit (Szalontai, 2011). Second, in late 1990, following a summit in Washington between George Bush & Mikhail Gorbachev (Topychkanov, 2018). The underlining messages of both the joint statements were their commitment to non-proliferation, encouraging countries to sign NPT & encourage peaceful use of nuclear energy.

Another factor that played a conscious role in the Soviet's geopolitical outlook was China. At first, the USSR wanted to use India as its tool against China in Asia. But later, as the geopolitics changed post the US-China warming up & India's eagerness to open up with China, the USSR did not want to be left out in the cold. The Soviets were not very upcoming vis-a-vis PM Rajiv Gandhi's idea of going nuclear. The Soviet leaders were aware of the fact that the Indian nuclear program was aimed at China. But the Soviet leaders, eager to reach an agreement with Beijing, were becoming more interested in promoting rather than hindering Sino-Indian reconciliation (Szalontai, 2011).

But the story of the Russia-India nuclear is not just about Russian geopolitical calculations. The Indian side has its perspective. One of the prime concerns for the Indians was the ganging up of the superpowers to derail their nuclear program. Though under American pressure, the Russians canceled the deal on cryogen engines for Indian space launchers in the mid-1990s, they have been supportive of India's nuclear program(Topychkanov, 2018). The Soviets came to Indian rescue when the Americans & the Canadians withdrew their support from Tarapur Nuclear Power Plant Post Pokhran-I. India understood the reality of time and gave in to the Soviet's demand for stringent safeguards for Indo-Soviet deals in the area of peaceful nuclear energy. There were mainly two factors that provoked India to accept the soviets (i) the Soviet Union's stand on non-proliferation (ii) the lack of options for India vis-a-vis nuclear commerce.

In 1988, the two countries made a significant breakthrough in their nuclear relations. On Gorbachev's visit to India in November 1988, the two sides eventually agreed on the design of two

VVER reactors, each of 1000 MWe. Throughout the 1990s, Russia remained a primary supplier of nuclear fuel to India, despite India's slow progress in integrating into the global Nuclear infrastructure (Mohan & Agarwal, 2019).

On 13 May 1998, India declared itself as a nuclear weapons state. The world is totally against India. Except for France, Israel & Russia, all the nations in the world were critical of Indian action. But the Russian reaction was a little different. "At the meeting in the Ministry of Foreign Affairs on May 12, 1998, the Russian President Boris Yeltsin said: 'India has let us down with this explosion, I believe we can still achieve a change in their position"(Topychkanov, 2018). Despite the US–Russian agreement on UN Security Council Resolution 1172, the two countries responded differently to the nuclear tests in South Asia(Topychkanov, 2018). Russia did not support the sanctions on India. Again in 2008, when India was garnering support for the NSG clearance, Russia was supportive of India's case.

Important Timelines of Cooperation

As have discussed earlier, India-Russia nuclear cooperation dates back to 1961. One of the first agreements in the field of nuclear cooperation, inked in 1961, was "Scientific and Technical Cooperation in the Field of Peaceful Utilization of Atomic Energy"(Balachandran & Patil, 2012). The second covenant was "Mutual Deputation of Scientists and Experts of the Indian Atomic Energy Commission and the USSR State Committee for the Utilization of Atomic Energy" inked in 1968(Balachandran & Patil, 2012). India's nuclear ambition dates back to its pre-independence times. During Prime Minister Shastri's time, India had approached both the US & the USSR for nuclear protection against the Chinese nuclear threat(Conley, 2001). The Soviets were reluctant due to their ideological considerations(Conley, 2001). But changing geopolitics of the world compelled the two nations to form closer ties. Post the peaceful Nuclear Reaction, the Canadians withdrew from the agreement on nuclear cooperation. In India's desperate times, in a bilateral agreement signed in September 1976, the Soviets agreed to supply heavy water to the Rajasthan Atomic Power Stations (RAPS-I&II) (Balachandran & Patil, 2012).

On November 20, 1988, the USSR & India elevated their nuclear cooperation to the next level and they signed an agreement for the construction of two Nuclear Power Plant of 1000MWe. In

1998, India & Russia added annexure to this very same to enhance their cooperation at Kudankulam.

After NSG clearance in 2008, India & Russia had a wider arena to intensify their nuclear cooperation. The same year India & Russia expressed their satisfaction with the ongoing cooperation in the implementation of the Kudankulam Nuclear Power Project(MEA, 2008). They inked "Agreement between the Government of the Russian Federation and the Government of the Republic of India on cooperation in the construction of additional nuclear power plant units at Kudankulam site as well as in the construction of Russian designed nuclear power plants at new sites in the Republic of India"(MEA, 2008).

In 2010, India & Russia signed an "Agreement between the Government of the Russian Federation and the Government of the Republic of India on cooperation in the uses of atomic energy for peaceful purposes"(DEA, 2010) & "Roadmap for the serial construction of the Russian designed nuclear power plants in the Republic of India"(MEA, 2014). Both the nations were mandated to diversify & identify new areas of nuclear cooperation.

In 2014, the two countries signed "Strategic Vision for Strengthening Cooperation in Peaceful Uses of Atomic Energy Between the Republic of India and the Russian Federation"(MEA, 2014).

In 2015, India & Russia signed "Programme of Action Agreed Between The Department of Atomic Energy of India And The Russian State Atomic Energy Corporation "Rosatom" for Localization of Manufacturing in India for Russian-designed Nuclear Reactor Units"(MEA, 2015). The Indian government aims to increase the participation of the domestic players with Russian help.

In 2017, the two nations signed the "General Framework Agreement between Nuclear Power Corporation of India Limited and Joint Stock Company 'ATOMSTROYEXPORT' for the implementation of Units 5 & 6 of 'Kudankulam' Nuclear Power Plant" (MEA, 2017).

In 2018, they signed the "Action Plan for Prioritization and Implementation of Cooperation Areas in the Nuclear Field" (MEA, 2018). According to the paper, Russia will provide the new nuclear project with reference evolutionary VVER-1200 technological solutions of a generation "3+," as well as increase the degree of Indian industry participation and localization(Russia India..., 2018).

Third country cooperation

Nuclear technology is one of the salient strategic domains. Any cooperation in the nuclear domain amongst the nations signifies the level of trust & comfort between the countries. India & Russia enjoy a special & privileged strategic partnership. One of the strongest pillars of this partnership the nuclear cooperation. An exponential increase in trust & confidence in the relationship is significant if it is beyond the boundary of the two nations, especially vis-a-vis nuclear cooperation. Russia-India nuclear cooperation in Bangladesh is just the perfect example. In the first of its kind, India & Russia have signed a tripartite agreement with Bangladesh for the construction of the Rooppur Nuclear Power Plant. The agreement was concluded in March 2018. The NPCIL is the Indian commanding authority for assisting in the construction, installation, and capacity building of the facility, as well as providing assistance to Russia, which will take the lead in the design, production, and supply of equipment and the facility's construction (Mohan & Agarwal, 2019).
India is not a party to NPT & CTBT. So India is also not a member of the Nuclear Suppliers Group(NSG). It is mainly because of the 2008 NSG clearance, India can participate in nuclear commerce. Russia is an active player when it comes to nuclear cooperation. Russia has agreements with African countries like Ethiopia & the middle east (World Nuclear News, 2020). One of the ideas is to design an Indian reactor for the developing world, a medium-size reactor. Then cooperate with Russia to export it and to provide fuel supplies.

Civil Nuclear Liability Issue

Civil nuclear liability has been a point of some divergence between Russia-India nuclear cooperation. Civil nuclear liability is about fixing responsibility in the case of nuclear damage. Countries across the globe operating nuclear power plants have a certain set of practices vis-a-vis civil nuclear liability. There are broadly three notable sets of liability instruments upon which countries base their domestic laws- the 1960 Paris Convention which was established under the aegis of the Organisation for Economic Co-operation and Development (OECD); the 1963 Vienna Convention established under the aegis of the IAEA; the 1997 Convention on Supplementary Compensation for Nuclear Damage (CSC). "The 1997 Convention on Supplementary Compensation for Nuclear Damage (CSC) is to establish a worldwide liability regime and to increase the amount of compensation available to the victims of nuclear accidents. A State which is a party to either the 1963 Vienna Convention or the 1960 Paris Convention could become a party

to the CSC. A State which is not a party to either of these conventions could also become a party to the CSC if its national law on nuclear liability complies with the provision of the CSC and its Annex, which is an integral part of the CSC"(MEA Press Releases, 2015). Regardless of the form of liability rule, both included two key principles: (i) the operator's liability was absolute, and (ii) the operator's liability was channeled solely to the operator(Balachandran and Patil, 2012).

Russia is a signatory to the Vienna Convention. But the interesting thing about Russia's civil nuclear liability approach is that despite having signed the Vienna Convention in 1996, it was only in 2005 that Russia ratified the convention. Before 2005, Russia had engaged in nuclear commerce with countries like Germany in the 1980s & France in 2000. But since Russia didn't have any domestic law on civil nuclear liability, they came up with a solution. They signed an agreement with the Germans as well as the French wherein the suppliers were exempted from any liability due to nuclear accidents at any of the facilities handlings supplies from the signatory country. But they also added a clause stating that the exemption would cease to exist once Russia comes up with a civil nuclear liability law.

Russia & India had a similar experience in their initial days. After finalizing the supplementary agreement in 1998 to the 1988 agreement, Russia asked for an exemption vis-a-vis civil nuclear liability as it had given to the Germans. Due to the paucity of any domestic law on civil nuclear liability in India, Russians wanted a clean & clear understanding of the liability issue. Given the NSG restrictions & India not being party to it, there was no choice for India except Russia vis-a-vis nuclear cooperation. Consequently, India gave exemption to all Russian suppliers of any civil nuclear liability.

In December 2008, Russia & India signed an agreement for additional constructions of nuclear power plants (unit-3,4,5 & 6) at Kudankulam after NSG clearance. At this point, India neither had any domestic laws on civil liability nor was a party to any of the conventions(Paris or Vienna or CSC). Russian pursued a similar exemption for these nuclear power plants as had been granted to the first two sites. India agreed upon the exemption.

India came up with its domestic laws on civil nuclear liability known as Civil Liability for Nuclear Damage Act, 2010 (CLNDA). India wanted to bring the new sites to bring under the ambit of the new law. Ironically, India would like to apply a law passed after an agreement was signed because, in the mid-1970s, India strongly objected to the retrospective application of a US law when the US stopped supplying nuclear fuel for Tarapur following India's peaceful nuclear test in 1974,

although the India-US agreement on Tarapur contained no clause even mentioning a nuclear test (Balachandran, 2014).

In 2014, Russia agreed to the Indian nuclear liability rule in principle, opening the way for the negotiation of a lease for units 3 and 4 of the Kudankulam Nuclear Power Plant in July (the economics times, 2014).

Due to the evolving situations around the liability issue, Russia is keeping an eye on it. Civil Liability for Nuclear Damage Act had put up some hiccups in the cooperation between the two nations but, it did not deter them from navigating around the problem & come up with some solutions.

Conclusion

The difference over civil liability has never deterred the two sides from enhancing their cooperation. The level of trust in the relationship developed over the decades has helped the two nations to overcome differences. Russia's help in the field of the nuclear domain is unmatchable. Russia's help in times of distress has marked a special place in the hearts of the Indians. Russia has been a committed player in the cause of non-proliferation & has pursued it vigorously. But Russia has never added any caveat to its nuclear support. Russia has urged India to sign NPT but never forced India to sign it at the cost of Russian help as it had done with some other countries. Economic calculations had been a driving factor to continue & multiply its cooperation in the nuclear domain. Russia has not only supplied India with the latest technology but also partnered with India in the third country to increase India's global print in the nuclear industry. Nuclear cooperation between India and Russia is moving upwards. Despite differences on certain issues, India is expanding its relationship with Russia with plans of constructing six new Nuclear Power Plant, most likely in Andhra Pradesh.

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