

Indo-US Relations: Issue of Nuclear Non-Proliferation

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Abstract: *The bilateral relationship has a history of being influenced by US policies towards India's neighbours and India's policy of non-alignment and its relations with the erstwhile Soviet Union. Nations are seen firm for rapid progress and economic competition which can no longer pay for the price of war, leaving alone a nuclear war. The relations between the United States and India can be viewed through the identical lenses of the nuclear non-proliferation and civil nuclear deal. Nuclear weapons are an essential part of India's national security and will remain so, until non-discriminatory and global nuclear disarmament. The bilateral relation between India and US is reaching new epoch but on the other hand, NPT regime got a terrific setback after the recent commencement of the Indo-US nuclear deal as India being the non-signatory to the NPT.*

Keywords: *Disarmament, India, Nuclear Weapons, Nuclear Non-Proliferation Treaty, United States.*

I. Introduction

Indo-US relations have had a tumultuous past. The fundamental structures of India-U.S. relations have distorted leading in turn to humble and incremental gains. The bilateral relationship has a history of being influenced by US policies towards India's neighbours and India's policy of non-alignment and its relations with the erstwhile Soviet Union. After the end of the Cold War, a gradual improvement took place in the bilateral relations. India seeks a more concentrated engagement with the United States for its own sake, in appreciation of its relative firmness and potential as a dependable, long-term partner. Both sides require to show reflection for each other and recognize their commitments and frailties. However, nuclear policies of both the nations were varying right from the beginning, as US was a nuclear weapons power but India was not. However proliferation threats continue to be in the international arena, since the adoption and enforcement of the Treaty on Non-Proliferation of Nuclear Weapons, commonly known as the Non-Proliferation Treaty (NPT), it is an international treaty whose purpose is to prevent the spread of nuclear weapons and weapons technology, to encourage cooperation in the peaceful uses of nuclear energy, and to further the goal of achieving nuclear disarmament and general and complete disarmament.¹

The 189 states that have ratified the treaty fall under two categories:

- a) Nuclear weapon states (NWS): which includes the United States, Russia China, France and the United Kingdom. They are required to commit to general and complete disarmament.
- b) Non-nuclear weapon states (NNWS): according to the treaty, all other states are required to abandon the pursuit of developing or acquiring nuclear weapons. However, they are allowed to uses nuclear technology for peaceful purposes under strict regulations.

The three countries that have not signed onto the treaty are India, Pakistan and Israel. India first tested an explosive nuclear device in 1974. Both India and Pakistan then conducted "tit-for-tat" nuclear tests in May 1998. Israel has not publicly carried out a nuclear test but has never admitted or denied possessing nuclear weapons. However, it is believed that Israel does posses nuclear weapons based on how much fissile material (highly enriched uranium and plutonium) the country is known to have produced. Fissile material is an important component in order to create nuclear weapons. The two countries that are under instantaneous proliferation inspection are North Korea and Iran. North Korea withdrew from the treaty on January 10, 2003. There is no definite legal opinion whether the country is party to the NPT because it is debated whether North Korea provided the amount of time required to withdraw from the treaty.

Iran is not known to posses any nuclear weapons or adequate fissile material to build any. However, the International Atomic Energy Agency (IAEA) a United Nations (UN) organization in charge of ensuring that states do not build nuclear weapons illegitimately concluded in 2003 that Iran had tried to establish the capacity to build fissile material. Iran's nuclear programme is under continuing investigation by the IAEA.

Since 1970, the countries who are party to the treaty have met every five years to oversee the implementation of the treaty. The seventh review conference which held in New York presents members with the toughest nonproliferation and disarmament challenges the NPT has ever faced. It also presents the international community to work together and collectively respond to threats such as: promoting universal adherence to the NPT, preventing further withdrawals and how to tackle the inability to enforce compliance to the treaty.

Indo-US stance on Nuclear Non-Proliferation

Nations are seen firm for rapid progress and economic competition which can no longer pay for the price of war, leaving alone a nuclear war. Therefore, the real non-proliferation spotlight has shifted to the concerns of nuclear weapons or Weapons of Mass Destruction (WMDs) technology getting into wrong hands, either with the rogue states or with non-state terrorist or fundamentalist entities, who always aim to gain asymmetric power for their lopsided agenda. At the same time there is a restoration of interest in nuclear energy, not just due to rising oil prices but also due to serious environmental concerns leading to rising demand for clean energy and also due to the certainty of the shrinking fossil fuel resources.² Current challenge is to concurrently ensure that while horizontal as well as vertical proliferation of nuclear warhead technology is prohibited, trade and commerce in nuclear technology are allowed to increase unrestricted.

The relations between the United States and India can be viewed through the identical lenses of the nuclear non-proliferation and civil nuclear deal. The basic aims of India's nuclear policy is peaceful use of nuclear power and as well as not the first use of nuclear weapons. Initially India has developed its nuclear power for showing national power vis-à-vis the non-nuclear states. India has consistently attempted to pass measures that would call for full international disarmament, however they have not succeeded due to protests from those states that already have nuclear weapons. In light of this, India viewed nuclear weapons as a necessary right for all nations as long as certain states were still in possession of nuclear weapons. India stated that nuclear issues were directly related to national security. India did not want to take sides during the Cold War, and by the mid 1950's, it had developed a non alignment policy that was designed to allow it to remain independent of both the United States and the Soviet Union.

India's response to the threat of nuclear proliferation was to take an active part in nuclear disarmament diplomacy, seeing the elimination of nuclear weapons as both a way of dealing with the threat of proliferation as also a way of avoiding the unpleasant decision about building its own nuclear weapons. India also was at the forefront in pressing that all commitments in the NPT be honored towards nuclear disarmament, rather than focusing only on the spread of nuclear weapons to non-nuclear states. Thus, a favorite Indian argument about nuclear proliferation was to point out that what mattered was not just horizontal proliferation (or the expansion of the nuclear weapons club) but also vertical proliferation (the expansion of the arsenals of the existing members of the nuclear club).

India reacted to the non-proliferation concern with inspiring historical recommendations. The first Prime Minister J. L. Nehru had anticipated an end to nuclear testing in 1954. India's position on the NPT is well-known and there is no question of India joining the NPT as a non-nuclear weapon state. Nuclear weapons are an essential part of India's national security and will remain so, until non-discriminatory and global nuclear disarmament.³ Although India opted to stay out of the NPT, its policies have been constant with the key provisions of the treaty contained in Articles I, II and VI that apply to the NWS. It is now well known that India has neither transferred nuclear weapons to any other state nor assisted any other state to attain nuclear weapons. India's exports of nuclear materials have always been under safeguards and India has been a leader in influencing the NWS to pursue negotiations to accomplish the goal of total nuclear disarmament. Compared with this perfect track record, some of the nuclear weapon states have been active collaborators in or silent spectators to continuing underground and illegal proliferation, including export of nuclear weapon components and technologies.⁴ The NWS have followed a discriminatory and inconsistent approach in enforcing the treaty, with sharp focus on the recipients of clandestine proliferation but not enough attention on the sources of supply. The superpowers United States and Russia have always refused to cut their nuclear stockpiles substantively even after the end of the Cold War. India has voted against the provisions of draft resolutions that would have required it to accede to the Nuclear Non-Proliferation Treaty (NPT), saying there is "no question" of it joining the treaty as a non-nuclear weapon state.⁵ In its elucidation of vote, India said it cannot agree to the call to accede to NPT as a non-nuclear-weapon state. In its standpoint, India alleged that it will remain staunch to the objective of entire elimination of nuclear arms.⁶

The decade of 1960s witnessed an insignificant change in the Indo-US relations and ideology played an important part. The outbreak of war between China and India in October 1962 represented in due course a clash between the two systems of communism and democratic socialism. Here the US supported India in its fights against China and advanced limited arms assistance to India. After India's crushing defeat of 1962, the addition of nuclear weapons to the Chinese arsenal was seen as a severe strategic challenge for India. Four years later, a second debate focused on whether India should sign the NPT. This time pressure came from the US, Western Europe, Japan and even the U.S.S.R. but not from China. Washington insisted that India to join the NPT regime as a non nuclear weapon state (NNWS).

India always highlights that nuclear disarmament and nuclear non-proliferation are mutually reinforcing and we continue to support a time-bound programme for global, verifiable and non-discriminatory nuclear disarmament. In March 1962, under the auspices of the United Nations, the Eighteen Nation Disarmament Committee (ENDC) was established to engage the superpowers in nuclear arms control

negotiations. The Cuban missile crisis of October 1962 and the slight escape from nuclear war marked a turning point in superpower relations. In high-level ENDC discussions, the US, UK, and the erstwhile USSR negotiated the Partial Test Ban Treaty (PTBT) which was officially signed on 5 August, 1963. The PTBT was noteworthy in controlling nuclear fallout in the atmosphere, yet, by not including underground explosions it failed to comprehend the goal of a complete nuclear test ban. Nevertheless, in the framework of the tense Cold War period, India hailed the conclusion of the PTBT as a significant stride towards nuclear disarmament. Prime Minister Nehru, commented, "It is highly important and significant because after years of discussions and arguments, this has happened and it breaks the ice as it were and gives an opportunity to go ahead with regard to disarmament and in putting an end, gradually, perhaps, to cold war attitudes of nations to each other."⁷ It was on 8th of August 1963, PTBT was made open for signatures and India became the first non nuclear weapon state to sign the PTBT.

In 1965, India and a few other non-aligned countries proposed an international nonproliferation pact whereby the nuclear weapon states would destroy their nuclear weapons, and the non-nuclear weapon states would decide not to manufacture these weapons. This proposal failed to influence the nuclear weapon states. In 18-nations Disarmament Committee (ENDC), India along with other non-aligned countries in the ENDC affirmed that they would support an NPT only if it was attached to concrete steps to stop the progress of the nuclear arms race and to limit, reduce, and eliminate stocks of nuclear weapons and their means of delivery.⁸ As India's position on the NPT was most likely set in concrete when it became clear that the treaty would recognize as NWS only those countries that had exploded a nuclear device prior to January 1, 1967. India was also amongst the troubled countries by the discriminatory structure of the treaty. It was usual on the part of any non-weapon state to at least demand a requirement of disarmament on the part of recognized weapon states in return for a commitment to maintain non-weapon status. The proclamation of the then Indian Prime Minister Indira Gandhi in Parliament about India's denial to sign the NPT was based on liberal self-interest and the considerations of national security, however nuclear weapon powers were adamant on their right to continue to manufacture more nuclear weapons.⁹ She also stated that the Government of India does not propose to manufacture nuclear weapons.

Though there have been some concerns raised that India might have illegally acquired some technologies and materials, and that it may have been careless in ensuring the security of some of its nuclear technology, the Indian record in protecting its technology from leaking is far better than that of most other nuclear powers.¹⁰ Indian strategy of working on weapons while calling for disarmament continued through succeeding governments, sometimes with creative proposals attached. The pressure from influencing countries was mounting on India to sign NPT. A significant example of such pressure again occurred after the 1974 nuclear test of India. It should be noted that it was not the first example of one country, wittingly or unwittingly, aiding another to get the bomb. The United States deliberately aided the United Kingdom's weapon programme after the Second World War, the USSR intentionally aided the Chinese programme, and France consciously provided Israel with production plants, equipment, and nuclear test data for Israel's first nuclear weapons in the late 1950s and early 1960s.

India, on the other hand, not only refused to join the NPT, but also misused the western technological aid, proposed for civilian purposes, to conduct a "peaceful" nuclear explosion (PNE) in 1974. In May 1974, India detonated its first plutonium device named Pokhran-I in Rajasthan desert and became the sixth nuclear power in the world. The message sent to Indian Prime Minister Indira Gandhi by Indian scientists was that "the Buddha has smiled." After this explosion, Indira showed her curiosity in a global approach to nuclear disarmament and repeated its rejection of the NPT on the ground that it was discriminatory. The May 1974 Indian test was carried out using plutonium separated from the spent fuel of the Canadian-supplied reactor in which US-supplied heavy water was the moderator. Both the reactor and the moderator had been sold to India under contracts that specified 'peaceful use'. When it became apparent to US intelligence that India intended to build a nuclear explosive device using the purchased equipment and materials, an aide-memoir was delivered in October 1970 stating that if any materials sold by the United States to India were used for explosive purposes, it would be considered a violation of the terms of sale.¹¹ However Indian leadership revealed that this test was for peaceful purposes and called it a Peaceful Nuclear Explosion (PNE) but on the international front heavy reaction was made against such test of 1974.

Indo-US relations took a plunge, hampering of bilateral relations took place and foreign assistance to India dwindled, triggered by the nuclear explosion in 1974, the US cut off nuclear trade with India. However, subsequent to India's nuclear explosion of 1974, the US constituted a "Nuclear Suppliers Group" (NSG) to mount pressure on India and others, to make nuclear cooperation reliant on the recipient country accepting the provisions of the Non-Proliferation Treaty i.e. full scope safeguards on all nuclear installations. The fundamental aim of NSG is to regulate the rules to control the nuclear technology and used only for peaceful purposes. The US Congress responded to the PNE by enacting the Nuclear Non-Proliferation Act of 1978 (NNPA, P.L. 95-242), which imposed tough new requirements for U.S. nuclear exports to non-nuclear-weapon

states. This Act barred nuclear exports including any “source material, special nuclear material, production or utilization facilities, and sensitive nuclear technologies” unless the recipients-non nuclear weapon states accepted IAEA safeguards on all its nuclear facilities, including those deemed for peaceful purposes. It is important to note that the new criteria for U.S. nuclear trade did not require signing of the NPT, only acceptance of the full-scope safeguards.¹² India’s position on nuclear safeguards was quite clear, it would not accept discriminatory safeguards. Thus, the NNPA rendered India ineligible for nuclear trade with the U.S.¹³

India, of course, had unsafeguarded facilities and materials, and was unwilling to allow safeguards to be applied to them. The NNPA limited nuclear collaboration between the US and India and also imposed strict sanctions on any country that was deemed a proliferator. The presupposition of the NNPA was that a range of safeguards was not enough to prevent proliferation. Moreover, only full-scope safeguards and therefore membership in the NPT could ensure peaceful uses.¹⁴ At the time the NNPA was passed, the US had been supplying fuel to India for the US-built Tarapur reactors. Thereafter, the US quietly facilitated fuel supply by other countries.

During the successive Carter Administration India did enter into dialogue with the US for the purchase of TOW anti-tank missiles and light howitzers. The US agreed to sell anti-tank missiles worth \$32 million in 1980 but the deal fell all the way through because the US would not allow their manufacture under licence in India. The howitzer deal also failed to materialize on the issues of licence manufacture, supply of spares and ammunition with the US refusing to guarantee more than a twenty day supply of ammunition at a time.¹⁵ India undoubtedly did not want to be put in a circumstance where its military capabilities would be contingent on US policies. India’s opposition to the NPT, whether righteous or realistic, was placing it in nuclear seclusion, but there was no consideration being given to dump the weapon programme, which had progressed to the point where nuclear tests were needed to verify the work ability of new designs. Some Indian observers have pointed out that if the NPT had been negotiated five years later or if India had been able to explode its first device five years earlier, then India would have been accepted into the NPT as a weapon state.

In 1980s futile efforts were made by the Indian leadership to improve its relation with US. In 1988 in the United Nations General Assembly, the then Indian prime minister, Rajiv Gandhi laid out a daring proposal for the elimination of nuclear weapons by the year 2010. Francine Frankel, an India specialist, notes that, “The United States and India have long perceived similar commitments to the eventual elimination of nuclear weapons. Yet, the US approach to nonproliferation, which asserts that universal membership of the 1970 Nonproliferation Treaty is the world’s best hope for ultimate progress towards this goal, has been contested from the outset by India.¹⁶ That is, there has been an agreement on the goals but differences in the means to attain them.¹⁷ Such an allegation is based on several flawed assumptions, inter alia: first, the U.S. and India had similar objectives of nonproliferation, and second, the NPT is an instrument with a decisive goal of disarmament, and finally, India was opposed to the nuclear nonproliferation per se. This reflects an acute lack of critical approaches in the proliferation discourse. The U.S.-India nuclear hostility was not a simple case of issue-based rivalry arising from India’s refusal to sign the NPT. Rather, the U.S. and India had fundamental disagreements on the objectives and policies related to nuclear proliferation and this rendered them, as Philip Oldenburg’s terms, “inevitable antagonists.” The basic nuclear disjuncture between the U.S. and India brought them at odds during international negotiations on nuclear disarmament and arms control.

However, after the disintegration of USSR and the end of the cold war, Indo-US relations in the first half of the 1990s have been described as one of ‘missed opportunities and contradictory policies’.¹⁸ This could be accredited to a slow appreciation of the changed international order both at the political and bureaucratic levels. India and the US were constant to have differences on various issues including the extension of the Non-Proliferation Treaty and the Comprehensive Test Ban Treaty (CTBT). However the relations between the two start to get cordial as much as before nuclear test of 1974. As it was now apparent that US now enjoyed a pivotal relationship in the global order and that India would need to deal with US to progress. It was by the visit of then Indian PM Narsimha Rao to the US in 1994 that was the starting point of improved Indo-US bilateral relations.¹⁹ Then in 1995, the two countries signed the Agreed Minute on Defence Cooperation covering service-to-service and civilian-to-civilian cooperation, as well as cooperation in defence production and research.²⁰ Five separate groups were established to promote more interaction and facilitate discussion which were; Defence Policy Group (DPG), for tackling issues of defence cooperation this group was also to undertake sensitive issues like CTBT and Kashmir; a Joint Technical Group (JTG), for discussing issues related to defence research and a Joint Steering Committee (JSC), for discussing personnel and information exchange, as well as joint exercises.

The US, since the mid-sixties, has enthusiastically sought to refute proliferation of nuclear weapons or technology outside the P5 countries. It was the principal promoter of the Non Proliferation Treaty (NPT), President Clinton revised the US nuclear strategy and doctrine for a more active role when new threshold states including India started emerging. The Defense Counter-proliferation proposal of 1993 included eight functional areas: intelligence, counterforce capabilities, surveillance, inspections, passive defence, active defence, export control and counter terrorism. The Indian nuclear tests in May 1998 broke the early thrust of the bilateral

relationship. The tests were followed by a prolonged dialogue between the Indian Foreign Minister Jaswant Singh and the American Under-Secretary of State Strobe Talbott. This dialogue sought to re-establish the broken links between the two countries. It was, from an Indian standpoint, an effort to get the US to understand the Indian compulsions for going in for nuclear weapons potential. The visit by then US President Clinton in 2000 and the following visit by then Indian Prime Minister Vajpayee in the latter part of 2000 and again in 2001 during the Bush administration cemented the way for a more positive dialogue. It was in the following year that Indo-US security ties attained real impetus. Both countries came to admit a desire for greater bilateral communication on security issues. The Defence Policy Group came to be revitalized.²¹ President George Bush upgraded Defense Counter-proliferation proposal to a 'forward policy' in 2002 by including pre-emptive or precautionary use of force in handling proliferation and 'taking anticipatory actions to defend'. However, the new keyword in Indo-US relation to what the American Embassy publication described as the ever mounting lexicon of India-US defence relationship was 'inter-operability' signified the joint desire of both the countries to work more intimately in the area of military and strategic cooperation.

Nevertheless, on the one hand, the bilateral relation between India and US is reaching new epoch but on the other hand, NPT regime got a terrific setback after the recent commencement of the Indo-US nuclear deal as India being the non-signatory to the NPT. The situation has been deteriorated because of the double standards of the US nuclear non-proliferation policies and discrimination in the realization of NPT and as the very nation that created the nuclear proliferation regime is itself violating its principles and norms. It shows that US policy is dual; on the one hand it has adopted preventive doctrine to restrain the nuclear efforts of some states such as Iran and North Korea which are NPT signatories, and on the other hand it has turned blind eyes over the attainment of nuclear weapons by India and Israel; which are non NPT signatories. Thus presently, the only probable threat to the reliability of nuclear proliferation regime is the US nuclear policies. Ironically, India, which was vigorously involved in negotiations for nuclear nonproliferation, became an inconsistency for the NPT-centric regime. From being an adherent of global nuclear disarmament and arms control, India became a challenger of the NPT regime. This strange stance on the Indian part with the NPT regime alienated India's relations with the U.S. Nonetheless, India's nuclear strategy has evolved steadily rather than radically. This is not likely to change. Indian leadership, the political and administrative system is vigilant and risk-averse. But just as it is cautious in advancing its nuclear weapons arsenal, it will also be cautious in advancing on the nuclear arms control and disarmament agenda India can also be expected to campaign vigorously for nuclear disarmament. New Delhi can also be anticipated to continue to be concerned about the reversal of its conventional military deterrent, but it is unlikely that it will find a solution to this mystery either in the instantaneous time ahead.

II. Conclusion

The new eagerness of the US to engage in cooperative activities in the civilian nuclear power field with a state outside of the NPT raises questions about the future of the US nuclear non-proliferation policy. The current crisis in the nuclear non-proliferation regime is serious, and a break-down of the regime can affect India also, New Delhi has only limited means to tackle the problem. The key necessity to deal with the crisis in the non-proliferation regime is an agreement among the major powers, an accord that goes beyond boilerplate policy statements and includes intensive action by all major powers in the recognition that if they do not act, they could all face serious difficulties. The US has the greatest responsibility, it must strengthen the non-proliferation consensus, but to do this, it must also lead a global consensus on major international issues that go beyond nuclear proliferation. Without such a consensus, institutional tinkering will be ineffective and the current nuclear non-proliferation challenges cannot be met.

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