

U.S.-India Nuclear Cooperation: A Reality Check

Leaders in Washington and New Delhi claim their July 18 civil nuclear cooperation and nonproliferation deal is a transformational event that will deepen the ties between the two countries and strengthen the effort to stop the spread of nuclear weapons. The agreement is indeed historic, but a sober reading reveals that the nonproliferation benefits are vastly overstated and the damage to the nonproliferation regime is potentially high.

The deal calls for broad civil nuclear cooperation for the first time since India's 1974 nuclear test explosion, which demonstrated that New Delhi was willing to use "civilian" technology assistance to build nuclear weapons and was determined not to join the 1968 nuclear Nonproliferation Treaty (NPT).

However, President

George W. Bush will have to convince Congress to make sweeping changes in U.S. nonproliferation laws that restrict the export and licensing of nuclear and dual-use materials and technologies. Bush also will have to persuade the world's 44 other major nuclear technology suppliers to bend rules forbidding assistance to nonmembers of the NPT unless they accept comprehensive, "full-scope" nuclear safeguards.

This radical new approach, if implemented, would effectively grant India highly sought-after access to sensitive nuclear technology only accorded to states in full compliance with global nonproliferation standards. It would also treat India in much the same way as the five original nuclear-weapon states by exempting it from meaningful international nuclear inspections. It is a virtual endorsement of India's nuclear weapons status.

What is wrong with that? It would make the job of blocking the spread of nuclear weapons more difficult, if not now, then in the future. Other "responsible" countries have for decades remained true to the original NPT bargain and forsworn nuclear weapons in return for access to peaceful nuclear technology under strict and verifiable control. Many of these states made this choice despite strong pressure to spurn the NPT and pursue the nuclear weapons path. They might make a different choice in the future if India is allowed to have their radioactive cake and eat it too.

For his part, Prime Minister Manmohan Singh agreed that India would "assume the same responsibilities and practices" as other countries with advanced nuclear capabilities. He agreed to some new nuclear practices, and he reiterated some of India's modest nuclear restraint commitments. The main selling point is that

India would identify its civilian and its military nuclear assets and put the civilian facilities under safeguards and allow tighter inspections under the terms of the 1997 Model Additional Protocol.

If India were to receive technical assistance for nuclear energy, clearly separating its civilian and military programs is essential to ensure that outside assistance is not directly used to build bombs. But the core purpose of nuclear safeguards and the Model Additional Protocol is to detect and deter the diversion of nuclear weapons material and related technology to the military sector. The application of such safeguards only

to the civilian sector would do little or nothing to limit or even monitor India's production of fissile material for weapons.

If the IAEA negotiates an additional protocol agreement similar to the symbolic ones

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that apply to the five original nuclear-weapon states, India would be permitted to exclude military-related facilities and even portions of civilian facilities on "national security" grounds. As a result, India might continue to use spent fuel from power generation reactors to acquire plutonium for weapons.

The Bush-Singh agreement also commits India to refrain from transferring sensitive nuclear and missile technology. India deserves credit for these actions, but these are minimal steps that every country with such capabilities should be expected to undertake. At the same time, India continues to engage in a destabilizing missile race with Pakistan.

There are no measures in the July communiqué that would restrain India's nuclear weapons program. If India wants to become a responsible nuclear-weapon state with a "minimum nuclear deterrent" capability, it must be prepared to stop producing fissile material as the five original nuclear-weapon states claim to have done and actively support the conclusion of a verifiable fissile material production cutoff treaty. It must be prepared to declare at least some of its nuclear material excess to its military programs and place that material under international safeguards. It must also be prepared to sign the Comprehensive Test Ban Treaty, as the original five nuclear-weapon states have done.

Bush's gambit to radically revise U.S. nonproliferation law and policy demands detailed congressional hearings and revisions. Making far-reaching exceptions to existing international nuclear nonproliferation practices might only be justified if the nonproliferation and disarmament commitments outlined in the Bush-Singh statement significantly strengthened the nonproliferation regime. As of now, they do not. **ACT**