

## **Background: Proposed U.S./India Civilian Nuclear Cooperation Deal**

In July 2005, President Bush and Indian Prime Minister Manmohan Singh announced a plan to resume full civilian nuclear cooperation for the first time since India's 1974 nuclear bomb test, which was made possible through nuclear technology acquired under civilian auspices. Under the terms of the proposed agreement, countries could supply nuclear fuel and equipment to India for civil purposes under limited international safeguards. To receive these benefits, India claims it will separate its civilian and military nuclear facilities and "assume the same responsibilities and practices" as the five original nuclear-weapon states.

India is not a member of the Nuclear Nonproliferation Treaty (NPT) and does not accept "full scope" international nuclear safeguards to prevent the diversion of civil nuclear technology for military purposes. For the deal to go forward, Congress must make exceptions to U.S. law, specifically the 1978 Nuclear Nonproliferation Act. Also, the 45-nation Nuclear Suppliers Group (NSG) must change its regulations, which prohibit trade with any state that does not accept "full scope" international nuclear safeguards.

The United States and India can and should expand their ties and common interests as free democracies through expanded cooperation in trade and human development, scientific and medical research, energy technology, and humanitarian relief. In doing so, the United States should not compromise efforts to reduce the dangers posed by nuclear weapons through effective nonproliferation and disarmament endeavors.

## **Problems with the Proposal**

• **India receives the benefits of the NPT without the true responsibilities.** The terms of the proposal as currently written do not require India to sign the Comprehensive Test Ban Treaty, commit to an "early cessation of the arms race" as required by Article VI of the NPT, or agree to halt fissile material production—all steps agreed to by the five original nuclear-weapon states.<sup>1</sup> Also, thus far India will only accept "voluntary" safeguards over its nuclear facilities that it designates as civilian.<sup>2</sup>

• **India's military nuclear programs could grow rapidly.** If this proposal is enacted, India won't need its domestic uranium for civilian nuclear power production. The importation of nuclear fuel by India would free up its existing uranium supply and fissile material production capacity to expand the country's nuclear arsenal, which totals some 50-100 weapons.<sup>3</sup> Indian nuclear hawk K. Subrahmanyam has argued that India should "categorize as many reactors as possible as civilian" to facilitate foreign refueling and conserve India's scarce "native uranium for weapon-grade plutonium production."<sup>4</sup> Reportedly, India also seeks to exclude existing spent fuel from power reactors, one to two heavy water

nuclear power reactors, and/or its “fast breeder” reactors from the list of safeguarded facilities and material. Any of these could be used to expand production of fissile material for weapons.

•**The deal sends the wrong message to the international community.** For years, other countries have resisted developing nuclear weapons in return for access to peaceful nuclear technology under strict and verifiable control. If they see that India is allowed to both have nuclear weapons and access to this technology, with few controls, convincing them to stay with the NPT will become increasingly difficult. As Leonard Weiss argued in an LA Times op-ed, “Some nations may decide that if they withdraw from the treaty, build nuclear weapons, and wait long enough while avoiding antagonizing the United States, they will eventually get all the nuclear help they want.”<sup>5</sup>

•**The proposal opens Pandora’s box.** Already, China “wants any exemptions for international nuclear cooperation and trade to be offered not only to India but to be open to others, i.e., its ally, Pakistan.” Making an exception for India from the rules of the NSG would undoubtedly undermine support for the NSG’s voluntary guidelines. It’s difficult to preach temperance from a barstool; this deal makes it harder for the U.S. to regulate the flow of nuclear materials around the globe. As Rep. Ted Poe (R-TX) argued, “...if we allow India a pass [we’ll have] a long line of other countries that will expect the same pass.”

#### **H.Con.Res.318-Markey/Upton Legislation: Key Provisions**

•Emphasizes the shared interest of India and the U.S. in reducing the dangers posed by nuclear weapons;

•Finds that the proposal for full civilian nuclear cooperation between the U.S. and India poses far-reaching and potentially adverse implications for the nuclear nonproliferation objectives of the U.S. and promises to do little in the long-term to bring India into closer alignment with other strategic objectives of the U. S.;

•Reiterates its disapproval of any proposal for nuclear cooperation that would result in exports or transfers of nuclear technology or materials to any country that is not a party to the NPT and has not accepted full-scope IAEA safeguards.

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<sup>1</sup> Kimball, Daryl. “India’s Choice, Congress’ Responsibility,” *Arms Control Today* Jan/Feb 06.

<sup>2</sup> Watson, Paul. “U.S. Approach on India Has Some Crying Foul,” *LA Times* 13 Jan 06.

<sup>3</sup> Zia Mian and M.V. Ramana. “Wrong Ends, Means, and Needs: Behind the U.S. Nuclear Deal with India” *Arms Control Today* Jan/Feb 06.

<sup>4</sup> Kimball.

<sup>5</sup> Weiss, Leonard. “A High-Stakes Nuclear Gamble” *LA Times* 30 Dec 05.