April 3, 2006

Dangerous "Big Bang" Nuclear Policy with India

Dear Colleague,

I would like to draw your attention to a *Washington Post* article entitled "India Nuclear Deal May Face Hard Sell" (attached below) which discusses the history behind the Administration's proposed nuclear exemption for India. There are many reasons for Congress to be weary of the Administration's plan to change long-standing U.S. nonproliferation law, including the secretive manner in which this deal was developed. As the Post article points out "there was little consultation with Congress or within the foreign-affairs bureaucracy before it was announced", even though the Administration would be seeking sweeping changes in U.S. law to exempt India from current legal restrictions on the export of nuclear fuel and technology.

Congress was not consulted ahead of time regarding the India nuclear deal, despite its sweeping and radical approach. The article quotes a senior U.S. official, who reports that, "We had been thinking about this question: How much should you go for? Would an incremental approach be better, would it be more easily digestible [by Congress]? We decided to go for the big bang."

Is the "big bang" in the best interests of the United States, and our long-standing goal of halting the further proliferation of nuclear weapons? Most government nonproliferation experts don't think so, which is apparently why they were not consulted before the announcement of the deal. As a senior U.S. official stated, "it is no accident that [nuclear experts] were not included, because you didn't have to be a seer to know how much they would hate this."

The proposed change in policy is so radical that even Indians were surprised when Secretary Rice first presented the nuclear proposal. In his book "Impossible Allies", C. Raja Mohan, an Indian journalist, states "As Rice put across an unprecedented framework for cooperation with India, the establishment in Delhi was stunned".

The Post article also points out that this deal does nothing to limit India's nuclear weapon's program, and that the Indian government never would have agreed to any such limitations. Final negotiations before the deal was announced on July 18, 2005 were particularly fierce on India's part. The article quotes a senior U.S. official who was knowledgeable about the talks, who said, "The Indians were incredibly greedy that day. They were getting 99 percent of what they asked for and still they pushed for 100." As another senior U.S. official put it, "We never even got to the stage where we could negotiate them".

I urge you not to support the Administration's proposal to weaken U.S. nonproliferation law to allow for nuclear trade with India – a country that is not party to the Nuclear Nonproliferation Treaty, that continues to produce fissile material for nuclear weapons, and that has tested these weapons as recently as 1998. As an alternative, I urge you to cosponsor H. Con. Res. 318, which supports strengthened ties between the U.S. and India but expresses concern over the potential negative impacts on nonproliferation that could result from nuclear cooperation between the U.S.

and India. Please contact Nicole Gasparini or Jeff Duncan in my office (x52836) if you would like to cosponsor my resolution.

Sincerely,

/s/
Edward J. Markey

washingtonpost.com

India Nuclear Deal May Face Hard Sell

Rice Set to Defend Landmark Accord She Orchestrated Without Congress

By Glenn Kessler
Washington Post Staff Writer
Monday, April 3, 2006; A01

Secretary of State Condoleezza Rice flew into New Delhi a year ago and set in motion a revolution in U.S. policy on nuclear weapons and relations with India.

She didn't tip her hand publicly during the brief stop, sticking to bland expressions of "a new relationship" with "great potential." The outlines of her plan were known by only a handful of people in the U.S. government.

Four months later, on July 18, President Bush and Indian Prime Minister Manmohan Singh approved a landmark accord at the White House.

Beyond the invasion of Iraq, few of Bush's decisions have as much potential to shake the international order than his deal with India, supporters and opponents agree. The debate over the deal has pitted against each other two powerful national security goals -- the desire to stop the spread of nuclear weapons and the desire to counter the rise of China, in this case by accelerating New Delhi's ascent as a global power.

After three decades of treating India as a pariah because it used a civilian nuclear program to produce fissile material for weapons, Bush decided the United States would forgive the transgression. India would be able to buy foreign-made nuclear reactors if it opened its civilian facilities to international inspections -- while being allowed to substantially ramp up its ability to produce materials for nuclear weapons.

Previously, the administration had favored an incremental easing of the nuclear rules regarding India. This agreement, as one of Rice's aides put it, was "the big bang," designed to bring historically nonaligned India firmly into the U.S. camp. But the deal has spawned fierce controversy in Washington, in part because going forward would require Congress to change laws for the nuclear sales. Rice will defend the agreement in congressional testimony this week.

The story behind the agreement also sheds light on how foreign policy is conducted in Bush's second term. For an administration frequently criticized for not being nimble, the India deal highlights the flexibility of Rice's foreign-policy team, which has also shifted policies toward Europe, on Iran and other areas in the past year. It demonstrates how, in contrast to the first term, foreign policy is largely driven by Rice and a close circle of advisers, not the White House staff.

But the India deal also shows the drawbacks of this approach, critics say. The agreement is in trouble partly because -- in what some critics say is an echo of the Iraq invasion -- there was little consultation with Congress or within the foreign-affairs bureaucracy before it was announced. Last month in New Delhi, Bush and Singh reached agreement on how India will implement the deal. But nuclear specialists in the U.S. government say their concerns about weapons proliferation also were overridden in final talks.

Now, nuclear experts from across the political spectrum have urged Congress to modify the accord, which the administration and Indian officials say would be tantamount to killing it.

"There are times when you have to engage in incremental diplomacy and there are times you need someone who is willing to make a bold move," Undersecretary of State R. Nicholas Burns said in an interview. "The president was willing a make a bold move towards India, and it is going to pay off for the United States now and into the future."

Many diplomatic turning points, such as President Richard M. Nixon's historic decision to open relations with China, are first conducted in secret because established bureaucracies tend to resist new ideas. Senior U.S. officials reject complaints that the expertise of government nonproliferation specialists was ignored. But, as one person involved in the policy development put it, "it is no accident that [nuclear experts] were not included, because you didn't have to be a seer to know how much they would hate this."

The agreement is also controversial in India, where close association with the United States is viewed with suspicion and the eagerness of the Bush administration to strike an agreement frequently took the Indian establishment by surprise. Before Bush arrived in India last month, Singh had little support in his cabinet for reaching a final accord on implementing the agreement, Indian officials said.

"I would say it is not only an act of statesmanship but an act of faith," said Ronen Sen, India's ambassador to the United States. "Both our countries were departing from something which has been well ingrained in the mind-sets of most of our people. We knew there was going to be significant opposition to change. Change is always viewed with suspicion and often viewed as subversive."

The following account is based on interviews with more than 20 U.S. and Indian officials, many of whom spoke on the condition of anonymity because of the diplomatic sensitivities involved.

A New Approach

During the 2000 presidential campaign, Rice indicated that a future Bush administration would take a new approach to India. In an article in Foreign Affairs magazine, she said that "India is not a great power yet, but it has the potential to emerge as one" and pointedly noted that "India is an element in China's calculation, and it should be in America's, too."

Rice was national security adviser during Bush's first term and Robert D. Blackwill, one of her closest associates during the campaign, was named ambassador to India. As early as October 2001, he cabled Washington urging a rethinking of nuclear policy toward India, said Ashley Tellis, a Bombay-born expert at the Carnegie Endowment for International Peace and a former aide to Blackwill. But former secretary of state Colin L. Powell had endorsed a more incremental approach to increasing sensitive trade with India. "We also have to protect certain red lines that we have with respect to proliferation," he said in a 2003 interview.

During Rice's confirmation process, she was asked in a written questionnaire whether the administration anticipated that Congress would need to change laws regarding India policy. She answered no.

But within weeks, U.S. officials say, the White House decided to sell F-16 jets to Pakistan. Rice went to New Delhi to break the news -- and to cushion the blow by offering India the prospect of a broader strategic relationship, including military, economic and even nuclear cooperation.

Rice's presentation, while still vague about the specifics, sent shockwaves through New Delhi. "As Rice put across an unprecedented framework for cooperation with India, the establishment in Delhi was stunned," according to "Impossible Allies," a book on the deal by Indian journalist C. Raja Mohan, published last month in India. "Few had expected Rice to go this far."

From the Indian perspective, the partnership Rice suggested offered a way to finally remove the nuclear impediment to closer ties with the United States. "If you are going to be looking at India as a partner . . . then you have to treat India as a partner and not as a target," Foreign Secretary Shyam Saran said. "Both these things cannot be done together."

Because of international restrictions, India's nuclear program is largely homegrown, cut off from international markets. This has hobbled India's use of nuclear power -- it provides only about 3 percent of installed electricity capacity -- and left it desperate for energy as its economy has soared.

A key designer of the new approach was Philip Zelikow, Rice's counselor and longtime colleague. Upon Rice's return from Asia, Zelikow began exchanging memos with Tellis, resulting in a 50-page "action agenda" for U.S.-Indian relations completed in mid-May.

The paper promoted geostrategic cooperation between the two countries rooted strongly in U.S. defense and military sales to India as a way to counter China's influence. "If the United States is serious about advancing its geopolitical objectives in Asia, it would almost by definition help New Delhi develop strategic capabilities such that India's nuclear weaponry and associated delivery systems could deter against the growing and utterly more capable nuclear forces Beijing is likely to possess by 2025," Tellis wrote.

Ten days after Rice's visit, when Bush announced the F-16 sale to Pakistan, State Department officials held a background briefing on the new India policy. One official -- identified by Mohan as Zelikow -- said the policy's "goal is to help India become a major world power in the 21st century. We understand fully the implications, including military implications, of that statement."

One U.S. official involved in the briefing said Zelikow's statement went beyond the talking points drafted for the news conference -- but as time passed, it was clear his bolder pronouncement reflected the administration's true position.

"We had been thinking about this question: How much should you go for? Would an incremental approach be better, would it be more easily digestible [by Congress]?" a senior official asked. "We decided to go for the big bang."

At this critical junction, one of the leading skeptics of a nuclear deal with India -- John R. Bolton, the undersecretary of state for arms control -- was nominated U.N. ambassador. The long battle over his appointment delayed confirmation of his replacement, Robert G. Joseph, until May 26. Other key posts in the nonproliferation ranks were unfilled, leaving officials in that area thinking they had no voice in the debate. The Pentagon, meanwhile, fully backed closer relations with India.

By the time Joseph arrived at the State Department on June 1, the initiative with India was largely underway. Rice dispatched Burns to begin negotiations with India, working mainly with his counterpart, Foreign Secretary Saran.

Because neither Zelikow nor Burns was an expert in nuclear specifics, Joseph and John D. Rood, his successor and counterpart at the National Security Council, began outlining, with input from their staffs, commitments they hoped to extract from India.

Leading the nonproliferation interests of the administration, Rood and Joseph envisioned a deal in which India would, among other things, agree to limit production of plutonium to a level that ensured the minimal deterrent capability it sought.

The two nuclear experts also wanted India to place all of its electricity-producing reactors under permanent safeguards to be monitored by U.N. inspectors. Such an arrangement would ensure, in accordance with U.S. law, that any American technology going to India would not be used for its weapons program.

But by the time U.S. negotiators agreed on a number of requests -- just days before Singh's arrival on July 18 -- many of the key items on the Joseph-Rood list had been taken off the table, said senior officials who were involved. "We never even got to the stage where we could negotiate them," one official said. The Indians had already made clear to Burns in discussions weeks earlier that they were not interested in outside influence over their nuclear weapons program. "We knew well before Singh's arrival that the Indians wouldn't accept most of that," another senior U.S. negotiator said.

When the final negotiations began before Singh's visit, Joseph wasn't there. Instead, he went overseas on other business, leaving Rood as the lone senior nonproliferation voice on a negotiating team stacked with officials eager to clinch a deal upon Singh's arrival.

Officials said Rood delivered forceful presentations to Burns and others throughout the negotiating process, laying out key nonproliferation concerns. Without a limit on fissile material production, the deal could allow India to make many more weapons than it needed. There was also concern about rewarding a country that built nuclear weapons in secret, which North Korea and Iran are accused of doing. Some in the administration said the deal would hurt U.S. efforts to pressure those countries on their programs.

Few Indian officials expected a breakthrough during the Bush-Singh meeting in July, but Rice was determined to see the negotiations succeed. Bush had reached the conclusion that the nuclear concerns carried less weight than the enormous benefits that a broad partnership with a large and friendly democracy could bring.

The Final Push

Burns, Saran and other officials conferred for nearly three days. From the start, negotiators said the conversations were tense as it became clear that the U.S. goals were not what India was hoping to hear. One by one, Indian negotiators balked at requests, indicating they would walk away before accepting conditions for inspections and other safeguards.

Rice went to Saran's suite in the Willard Hotel on Sunday, July 17, to provide a final push. At 6 p.m., she and Burns thought they had an agreement, but then Saran called Burns at 10:30 p.m., saying the deal was off -- it was too much politically for the Indian government to swallow all at once.

On Monday, July 18, the morning that Singh was to meet with Bush, Rice called Burns at 5:30 a.m. and said, "We're not going to give up." She met with Singh at 8 a.m. and persuaded him to let the negotiators try again.

Thus, as Bush and Singh met one-on-one in the Oval Office, senior U.S. and Indian aides closeted in the Roosevelt Room were furiously scribbling out the text of a deal that would overturn three decades of U.S. policy on stemming the spread of nuclear weapons.

There were several highly technical issues holding up the announcement. But, in essence, India wanted the coveted status of an official nuclear state, a recognition that would get it into the most exclusive club in the world. Under the Nuclear Non-Proliferation Treaty, only the United States, Russia, China, France and Britain are weapons states. All other countries, except for Pakistan, India and Israel, signed on to the agreement, promising to forgo nuclear weapons in exchange for civilian nuclear technology. Now India wanted the technology, wanted to remain outside the treaty and wanted membership in the club. The final agreement fudged the issue.

"They were really demanding that we recognize them as a weapons state," said a senior official who was knowledgeable about the discussions. "Thank God we said no to that, but they almost

got it. The Indians were incredibly greedy that day. They were getting 99 percent of what they asked for and still they pushed for 100."

Last month, Bush and Singh agreed on an implementation plan specifying that 14 of India's 22 nuclear plants would be subject to international inspections. But the country's eight other reactors, and any future ones for military purposes, would be off-limits. And although the Bush administration originally wanted a pact that would let India continue producing material for six to 10 weapons each year, the plan would allow it enough fissile material for as many as 50 annually.

U.S. officials said Bush had kept his focus on a core idea -- that India is a thriving, pluralistic democracy, one of the good guys in international relations -- and thus was willing to sweep away nuclear orthodoxy. The goal, an official said, was to position India to be one of the United States' two or three closest partners.

Only after the announcement did the administration begin to brief members of Congress. One U.S. official involved in the negotiations said the failure to consult with Congress or to build support for the agreement within the bureaucracy has created lasting problems: "The way they jammed it through is going to haunt us."

Staff writer Dafna Linzer contributed to this report.

© 2006 The Washington Post Company