



Prime Minister Manmohan Singh and President George Bush during the former's visit to Washington in July.

The Nuclear Deal: India cannot be Coerced

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INTRODUCTION

PRIME MINISTER MANMOHAN SINGH, concerned about the looming energy crisis, is determined to expand the contribution of civilian nuclear power to India's energy budget. For this it is necessary to remove the shackles imposed by the United States and its friends on international nuclear transactions. Dr Singh should be applauded for his efforts to take advantage of whatever opportunities are available to move our country into a high-growth trajectory.

India has endured 30 years of technology embargoes and efforts to isolate its nuclear scientific establishment from any kind of foreign collaboration. These attempts at throttling civilian nuclear technology certainly slowed down the coun-

try's civilian nuclear programme and adversely affected its developmental efforts. Indian scientists and engineers, faced with adverse circumstances, managed not only to prolong the life of the Tarapur reactor and build the half-completed Rajasthan reactor, but went on to produce several new power plants that are in operation. They succeeded in mastering the entire nuclear fuel cycle. Moreover, with the exception of Tarapur and Rajasthan reactors and related facilities that are under facility-specific pre-NPT safeguards, India's entire nuclear fuel cycle has been indigenous, autonomous, and free from foreign inspections.

The Prime Minister, however, faced two major problems—the absence of any provider of enriched fuel for Tarapur, and

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the inability to purchase natural uranium on the international market because of the restrictive non-proliferation regime. He succeeded in persuading President Bush to recognise India as a responsible state with advanced nuclear technology. It was an indirect admission of its status as a nuclear weapon power: a belated recognition of an accomplished fact.

The Indo-US Joint Statement of July 18, 2005 providing the framework for cooperation in the field of civilian nuclear power is, like the proverbial curate's egg, good in parts. While Washington has promised to persuade the US Congress to make changes in its domestic legislation, and to persuade the Nuclear Suppliers Group (NSG) to make suitable adjustments in its regulations, New Delhi has to take some irreversible decisions. The problem lies in the sequencing of steps Washington and New Delhi are committed to take.

India's civilian and military nuclear facilities are to be segregated in a phased manner, placing civilian facilities under voluntary IAEA safeguards that will require a declaration to be submitted to the Agency. India would have to sign an Additional Protocol to the safeguards, continue the unilaterally declared nuclear test moratorium, and work with the United States in concluding a Fissile Material Cut-off Treaty. In international nuclear transactions, India would need to adhere to the missile technology control regime and the guidelines of the NSG. The Joint Statement states that India has reciprocally assumed "the same responsibilities and practices and the same benefits and advantages as the other leading countries with advanced nuclear technology, such as the United States." American Under Secretary of State for Political Affairs Nicholas Burns is the point man to coordinate with Foreign Secretary Shyam Saran the modalities of implementation. President Bush, during his projected visit early next year, will review progress with Prime Minister Singh.

As for India's moratorium on nuclear testing, there is no reciprocity. The United States has always retained the right to conduct further nuclear tests. In fact, American public documents reveal that efforts are on to reduce the time lag between the decision to resume testing and the ability to do so. What was the need to include this commitment in a bilateral document? Does it imply that once the Americans decide to resume explosive testing, we would also be free to do so? Or is reciprocity with regard to non-explosive nuclear testing?

There have been some discordant voices within our nuclear establishment. According to the former director of

BARC, Mr. A. N. Prasad, "segregating nuclear facilities into military and non-military is impractical". The former chairman of the Atomic Energy Commission, Mr P.K. Iyengar, has raised an important issue not mentioned in the Joint Statement. "The spent fuel from Tarapur, right from the seventies, is lying around," he says. The Americans don't want it back and India is debarred from reprocessing it. "If you calculate that approximately 60 tonnes of spent fuel was produced in Tarapur alone every year for 30 years, there is a great danger that the material will get degraded." Moreover, the tanks containing this corrosive material are leaking.

QUESTIONS ON IAEA SAFEGUARDS

Contrary to India's understanding over the decision to designate the number of nuclear facilities as civilian for safeguards purposes, the day after the Joint Statement was signed, Nicholas Burns asserted that India had decided to place all the civil nuclear facilities under full IAEA safeguards and that the agreement would have to be implemented by India: only then would the United States seek changes from the US Congress. Director-General of the IAEA Mohamed-el-Baradei stated on July 20 that he was happy to note India's intention "to place all its civilian nuclear facilities under IAEA safeguards".

There are several questions about Indian commitment to put civilian nuclear facilities, along with a declaration, under IAEA safeguards. What would the declaration contain? Would it contain only a list of nuclear facilities? Or would it also include the amount of nuclear material produced in them? If the latter, this would amount to full-scope safeguards. What about the safeguards on Tarapur and Rajasthan stations that were imposed when India was a non-nuclear weapon state? Would they be brought in line with the new safeguards? What kind of Additional Protocol will India accept? These will be irreversible decisions.

US Undersecretary of State for Arms Control Robert Joseph testified before the US House Committee of International Affairs that "the number of facilities and activities India places under IAEA safeguards, and the speed with which it does so, will directly affect the degree to which we will be able to build support for full civil nuclear cooperation with India in Congress and in the Nuclear Suppliers Group." He added that the separation must be comprehensive enough to provide strong assurances to supplier states and the IAEA that materials and equipment provided as part of civil coop-

erated nuclear facilities under full IAEA safeguards and that the agreement would have to be implemented by India: only then would the United States seek changes from the US Congress. Director-General of the IAEA Mohamed-el-Baradei stated on July 20 that he was happy to note India's intention "to place all its civilian nuclear facilities under IAEA safeguards".

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eration would not be diverted to the military sphere.

Shortly after Nicholas Burns' recent visit, Foreign Secretary Shyam Saran declared, "It would make no sense for India to deliberately keep some of its facilities out of its declaration for safeguards purposes, if it is really interested in obtaining international cooperation on as wide a scale as possible." Burns approvingly quoted him in his testimony before the Senate Committee on Foreign Relations. He asserted, "We determined from the start that we could not recognise India as a nuclear weapons state." Robert G. Joseph testified that "supplier states will only be able to engage in cooperation with safeguarded facilities. Moreover, the more civil facilities India places under safeguards, the more confident we can be that any cooperative arrangements will not further military purposes."

The Bush administration expected that "separation of civil and military nuclear infrastructure must be conducted in a credible and transparent manner, and be defensible from a non-proliferation point of view... Many of our international partners have similarly indicated that they view this as a necessary precondition" for nuclear cooperation. To meet American obligations under the NPT, "safeguards must be applied in perpetuity." He added, "we indicated at the recent G-8 and NSG meetings that we would not view a voluntary offer arrangement as defensible from a non-proliferation standpoint or consistent with the Joint Statement."

India's pledge to maintain its nuclear testing moratorium was mentioned as one of the conditions for full civil nuclear cooperation. Some nuclear ayatollahs have suggested re-negotiation of the deal. Responding to demands made in the hearings that India should accept moratorium on production of fissile material, ratify CTBT and sign NPT as a non-nuclear weapon state, Robert Joseph said, "it would be better to lock-in this deal and then seek to achieve further results in subsequent non-proliferation discussions." He maintained that the United States was "better off with India undertaking the commitments now agreed to rather than allowing the status quo to prevail."

For the IAEA, India is still a non-nuclear weapons state. Its 35-member Board of Governors, of which India has been a member ever since the establishment of the Agency, has to be persuaded to recognise India as "a responsible state with advanced nuclear technology". American diplomats are saying that it is for India to negotiate with the IAEA the kind of

safeguards to be applied on its civilian nuclear programme. The 44 members of the NSG have to make a similar decision. While Britain, France and Russia are likely to support it, China's objection raises doubts about the NSG's willingness to adjust to the new framework for nuclear energy cooperation. It is worth recalling that while the United States had made fullscope safeguards a precondition for nuclear cooperation with non-nuclear weapons countries in 1978, the NSG incorporated them in its guidelines as late as 1993.

According to American sources, Indian purchase of natural uranium from abroad would be under IAEA safeguards. Because of shortage of uranium, the introduction of safeguarded uranium in our civilian programme—power reactors, reprocessing plants, research reactors, Prototype Fast Breeder Reactor, and even future indigenously produced power plants—would be brought under IAEA safeguards; and they will be in perpetuity. This would be tantamount to the application of NPT safeguards.

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INDIA ASSERTS AUTONOMY ON DECISION-MAKING

These American interpretations of the terms of the Joint Statement should be treated as pressure tactics to obtain non-proliferation objectives. Such efforts would subvert the 'deal'. As a democracy India cannot build a consensus around these extraordinarily escalating demands. Indian negotiators should firmly assert that we stick to the solemn assurances that Prime Minister Manmohan Singh gave on the basis of which he obtained Parliamentary endorsement of the Joint Statement. These are:

- "India's commitments would be conditional upon, and reciprocal to, the US fulfilling its side of this understanding."
- "Reciprocity is key to the implementation of all the steps enumerated in the Joint Statement. We expect a close correlation between the actions to be taken by the United States and by India. Indian actions will be contingent at every stage on actions taken by the other side. Should we not be satisfied that our interests are fully secured, we shall not feel pressed to move ahead in a pre-determined manner."
- "If there is no action taken by the United States Government or if the US Congress does not agree with the US President, we are completely free, for example, to stay where we are. We are not required to do anything."
- "The only commitment that I have taken additionally is

to agree to the separation of the military from the civil programme... The Chairman of the Atomic Energy Commission was with me. It is only after he was satisfied that this agreement protects all the essential interests that are dear to all of us, I signified that we can go ahead with this arrangement.”

- “Before voluntarily placing our civilian facilities under IAEA safeguards, we will ensure that all restrictions on India have been lifted. Our autonomy of decision-making will not be circumscribed in any manner whatsoever.”
- “It will be an autonomous Indian decision as to what is ‘civilian’ and what is ‘military’. Nobody outside will tell us what is ‘civilian’ and what is ‘military’.”
- “We have the satisfaction that if what the President has promised me is really implemented by the Congress, we would have full equal status with regard to international trade in civilian nuclear facilities.”
- “There is nothing in this Joint Statement that amounts to limiting or inhibiting our strategic nuclear weapons programme over which we will retain unrestricted, complete and autonomous control... we will retain unrestricted, complete and autonomous control... we will retain unrestricted, complete and autonomous control.”
- “Our strategic policies and assets... will remain outside the scope of our discussions with any external interlocutors.”
- “The Government will not allow any fissile material shortages or any other material limitations on our strategic programmes in order to meet current or future requirements.”
- “We remain committed to the three-stage nuclear power programme, consisting of Pressurised Heavy Water Reactors (PHWRs) in the first stage, fast breeder reactors in the second stage and thorium reactors in the third stage. These would need sequential implementation in an integrated manner.”

It should be noted that in the past, despite its commitment in an international agreement to supply enriched fuel to Tarapur till 1993, Washington maintained that its domestic legislation did not permit it to do so and stopped fuel supplies in 1980. India’s applications for supply that required long and acrimonious Congressional hearings were used to discipline it. The same process is now being repeated at the Congressional Hearings on the Joint Statement. These hear-

ings have revealed that Washington views the Joint Statement as a non-proliferation tool to coerce India into the NPT framework.

The author, Selig Harrison, has revealed a hidden motive for the shift in American policy. The compelling reality of geology, he points out, is that India has 31 per cent of the world’s known deposits of thorium, emboldening it to embark on a rapid expansion of its civilian nuclear programme, and shifting progressively to thorium-based fast-breeder reactors, thereby achieving energy independence. This means that India can dramatically increase its inventory of fissile material in the next few years. It was, therefore, necessary “to bind India tightly to the global non-proliferation regime”. He also observed that India made an important concession by agreeing to place “all of its existing and future civilian nuclear reactors under IAEA safeguards” and to continue its moratorium on nuclear testing. The alternative to the new

arrangement could have been “the emergence over time of a Gaullist India that would play an unpredictable, freewheeling role in Asia.”

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The Americans must move beyond only attempting to persuade the Congress and NSC to make necessary adjustments to accommodate India before New Delhi can take reciprocal steps. Of these, 3 are in China, 1 in France,

1 in the UK, none in Russia, and the rest are in the United States. These include one power reactor, one research reactor, and two enrichment plants. The remaining facilities in the United States are insignificant separate storage facilities and one “other” facility. Therefore, the question of India offering all civilian nuclear facilities under safeguards simply does not arise. It should be emphasised once again that India has reciprocally assumed “the same responsibilities and practices and the same benefits and advantages as the other leading countries with advanced nuclear technology, such as the United States.”

Our four reactors (Tarapur and Rajasthan) are already under facility-specific safeguards. Out of the operating reactors built indigenously, we may decide that another two should be voluntarily offered for IAEA safeguards. The rest of our fuel cycle, including research reactors, reprocessing plants, and

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Prototype Fast Breed Reactors, should be designated as in the military category and, therefore, free from foreign scrutiny. The terms of the Additional Protocol should be similar to those applicable to the five acknowledged nuclear weapons powers. Because of the onerous new conditions American official spokesmen are seeking to impose, the deal should be allowed to lapse. At the same time, cooperation should continue in other areas of mutual benefit

India should slow down its civilian nuclear programme because of uranium shortage. The country should embark

on a vigorous exploration of uranium mines and focus on the thorium cycle that would promote energy independence in the coming years. There are other sources of energy available within the country that also should be pursued vigorously. As for import of foreign reactors, this would involve a long-term process of tenders, licensing hurdles and construction delays. They will make us dependent on foreign supplies of enriched fuel. Moreover, the contribution of nuclear power for our energy budget is not going to increase substantially during the next decade.

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Professor Martin Zuberi is a contributor to Encyclopaedia Britannica. Former Chairman, Centre of International Politics, Organisation, and Disarmament Studies, Jawaharlal Nehru University; he was a member of the National Security Advisory Board in 1990-1991, and again in 1998-1999 and 2000-2001; he participated in preparing the Draft Indian Nuclear Doctrine. He was Senior Adviser, Indian Delegation, to the Silver Jubilee Session of the United Nations General Assembly and member of the Indian delegation to the UN Conference on Disarmament and Development. He has observed IAEA surveillance equipment installed in nuclear power plants in Canada and Japan. Prof. Zuberi has analysed the nuclear programmes of all nuclear weapon powers, written extensively on the nuclear non-proliferation regime, especially on the IAEA safeguards system, national security, arms control and disarmament, nuclear strategy, nuclear history, peaceful uses of nuclear energy, and interface between science, technology and politics.

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