

India's Choice, Congress' Responsibility

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Sometime this year, Congress will be formally asked to allow the resumption of full civil nuclear cooperation with India, which was restricted following New Delhi's 1974 nuclear bomb test.

If Congress and the 45-nation Nuclear Suppliers Group (NSG) approve the deal, which was unveiled in July 2005, countries could supply nuclear fuel and equipment to India for civil purposes under international safeguards. In exchange, India has claimed it will separate its civilian and military nuclear facilities and "assume the same responsibilities and practices" as the five original nuclear-weapon states.

But as more members of Congress are realizing, the purported benefits of the proposal are illusory, and unless they legislate significant changes to the original plan, the damage to the nuclear Nonproliferation Treaty (NPT) could be severe.

The existing terms of the proposal would not oblige New Delhi to undertake the same practices as the five original nuclear-weapon states, including signature of the Comprehensive Test Ban Treaty. Nor would it commit India to an "early cessation of the arms race" and disarmament, as Article VI of the NPT requires.

Furthermore, the deal could erode overall confidence in the already fragile NPT regime because it might provide India—one of only a handful of NPT holdouts—with the benefits of membership without requiring it to live up to the responsibilities of the treaty's 183 non-nuclear-weapon states. Such states are eligible for civil nuclear assistance only if they comply with comprehensive, "full scope" safeguards. The NSG agreed in 1992 to limit trade only to states that accept full-scope safeguards, a policy championed by the administration of George H. W. Bush.

But perhaps worst of all, the arrangement could violate one of the most fundamental principles of the global nonproliferation system: Article I of the NPT stipulates that states shall "not in any way" assist the nuclear weapons programs of others. To avoid such an outcome, Congress should insist on permanent, facility-specific safeguards on a mutually agreed and broad list of current and future Indian civilian nuclear facilities. In addition, India must halt the production of fissile material for weapons (as the five original nuclear-weapon states have done) pending a verifiable global production ban.

So far, India has pledged only to accept "voluntary" safeguards over nuclear facilities that it chooses to designate as civilian. That could allow India to withdraw any nuclear facility or nuclear weapons-usable material from international safeguards for national security reasons. Such an arrangement provides no objective guarantee that foreign nuclear technology or spent fuel might not be used for India's nuclear bomb program.

Such concerns are well founded. India improperly utilized the Canadian-supplied and U.S.-fueled CIRUS reactor to produce the plutonium for its 1974 test and to help increase its fissile stockpile, which is now estimated to be enough for 50 or more nuclear bombs.

In recent statements, senior Bush administration officials have adjusted their pitch, noting that Congress and the NSG will not tolerate the deal unless it is "credible from a nonproliferation perspective." On Nov. 2, Undersecretary of State for Arms Control and International Security Robert Joseph told a congressional committee that "voluntary" safeguards are not acceptable and they

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“must be applied in perpetuity.”

That’s a good start. But in the absence of a fissile production cutoff, foreign nuclear fuel supplies could free up India’s existing capacity to produce highly enriched uranium and plutonium for weapons. Indian nuclear hawks such as K. Subrahmanyam openly argue that, in order to expand India’s arsenal, it should “categorize as many reactors as possible as civilian” to facilitate foreign refueling and conserve India’s scarce “native uranium fuel for weapon-grade plutonium production.”

Indian officials and their paid lobbyists insist that the proposal should have nothing to do with India’s strategic program. They say that a fissile production cutoff is not on the table. According to Foreign Secretary Shyam Saran, “These suggestions are deal-breakers.”

Perhaps they are. But if India is really only interested in a “minimum credible deterrent,” there is no need for additional fissile production. Alternatively, the continued expansion of India’s arsenal would force Pakistan to increase its nuclear and missile arsenal and encourage China to continue modernizing its forces. Rather than facilitating an arms race in Asia, U.S. and Indian policy should be aligned to halt and reverse it.

Some baldly assert that the deal is worth the high costs because it would draw India within the U.S. sphere of influence. Such talk is fanciful given India’s fiercely independent political history and interest in preserving good relations with China, Russia, and even Iran on its own terms. It is, of course, up to India to choose whether it keeps its nuclear weapons options open or whether it wants to expand its energy output with nuclear technology. But it is the responsibility of the president and Congress not to aid and abet any other state’s nuclear bomb program and unravel the nonproliferation system.

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