

# The U.S.-India Nuclear Cooperation Agreement: A controversial move

BY MARK L. MAIELLO

*The act that puts the agreement into effect requires India to abide by IAEA safeguards, but not to sign the Comprehensive Test Ban Treaty.*

THE HENRY J. Hyde United States-India Peaceful Atomic Energy Cooperation Act was signed by President Bush on December 18, 2006. Under the terms of the act, the United States agrees to deal with India as though it were a party to the Nuclear Non-Proliferation Treaty (NPT)—which it has not signed and, in fact, has opposed—and to cease the embargo on the transfer of civilian nuclear technology to India. The act authorizes India to import uranium (pending agreement by the Nuclear Suppliers Group) and requires India to abide by International Atomic Energy Agency safeguards at nuclear facilities it designates as for civilian use.

In addition to the support of some important U.S. congressmen and senators, the act was endorsed by IAEA Director General Mohamed ElBaradei.

Since 1974, India has had a nuclear arsenal that the United States has always considered illegitimate. That arsenal was never dismantled, however, partly because India's rival, Pakistan, developed a nuclear capability in the 1980s. India conducted further underground testing in the late 1990s, and then openly declared itself a nuclear power.

The act will not prevent India from making fissile material for weapons or prevent the diversion of civilian nuclear material to its weapons program. Currently, India is exercising a self-imposed moratorium on the testing of nuclear weapons, but the act does not force it to sign the Comprehensive Test Ban Treaty. In effect, India, which for the last 30 years has resisted signing the NPT, has been rewarded for its determination to remain outside the NPT framework. This reward came about as a result of 9/11 and the United States' involvement in a fractured Middle East.

What were we told the United States will get from this deal?

- Business opportunities in the nuclear power industry.
- Reduced oil prices due to the use of nuclear power in a growing Indian economy.
- Reduced greenhouse gas emissions (same as above).
- A strategic partner in the region.

(See Sabharwall and Hollern, 2006, for a brief discussion of these issues.)

The first three are largely overstated. U.S. suppliers of nuclear technology will have to compete with major-league players such as France and Russia (NTI, 2007). India's cars and trucks will run on oil, not electricity created by nuclear power, and India will continue to burn polluting coal to power its economic growth.

The most significant reason the act was signed was the need for a democratic partner to stem any potential threats from terrorist

elements in the area, to help stabilize Afghanistan, and probably as an insurance policy in case of social or governmental upheaval in Pakistan (Carter, 2006 and 2007). These are laudable goals, but the payoff is not guaranteed.

India has a right to self-determination, and it has exercised that principle wholeheartedly in the past. For example, India has been a detractor of the nonproliferation regime and a supporter of the Non-Aligned Movement (NAM), an organization made up of 116 developing countries that is largely anti-American. India sent a representative to the 2006 NAM meeting in Havana, where anti-U.S. sentiments were espoused by the likes of Venezuelan President Hugo Chavez (Carter, 2006 and 2007). One hopes that the civilian nuclear deal will realign some of India's principles.

It can be argued that the agreement damages the security interests of the United States in at least two major ways (Cirincione and Myers, 2006): (1) It works outside of the established framework of the nuclear nonproliferation agreements and thereby undermines them, and (2) it sets a double standard whereby the United States determines who, for the moment, is an ally, and who, for the moment, is the enemy. Double standards undermine existing international relationships and send the message that the United States does not work equally with its partners.

This nuclear deal ignores an established international framework in order to expedite a strategic—and, secondarily, a business—benefit. But, it can be considered shortsighted. It could encourage a larger Indian nuclear arsenal. It may encourage other nuclear powers such as Europe, Russia, and perhaps China to offer similar packages to other states. Through this deal, the United States has declared India a legitimate nuclear military power. But we broke a basic nonproliferation tenet by handing over nuclear technology, ostensibly for peaceful purposes, without a promise not to develop nuclear weapons. The United States has never done this in 30 years. Therefore, the NPT and international respect for and adherence to it will be damaged. In the past, nations have acquired nuclear weapons for the status they confer and as a deterrent to other nuclear powers. By this deal, India's neighbor states, particularly a nuclear-armed Pakistan, are encouraged to develop countermeasures (Robichaud, 2006).

When considering the security of nuclear technology, the double standard of dealing with allies differently from real or potential enemies is a dangerous tactic (Cirincione and Myers, 2006). Allies come and go. If India and Pakistan should launch a nuclear strike on each other, who do we back? If one or the other provokes

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a serious international crisis detrimental to U.S. concerns, will their status as allies be maintained? Is this a sound policy for viable international nuclear security?

Controlling the security of nuclear technology requires rigorous, agreed-upon inspection and accountability protocols that must be considered fair by all participants. India, like other minor nuclear weapons states such as Israel, Pakistan, and China, maintains its nuclear activities beneath a cloak of secrecy that will, at least for some period of time, restrict inspections (Robichaud, 2006). This is much less desirable than an inspection framework

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backed by multinational consensus as would be offered by a vigorous and supported NPT. The latter provides some reportability, transparency, and inclusion by all participants, with a concomitant assurance of international security. When secrets are maintained, insecurity increases. In the world of nuclear security and

weapons proliferation, there should be one standard for all nations backed by a U.S. government that deals fairly and consistently and remains fully committed to the principles of the NPT.

On January 18, 2007, the *Bulletin of the Atomic Scientists* moved its famous “Doomsday Clock” from 7 minutes to 5 minutes before midnight, indicating that the risk of nuclear conflict has increased (BAS, 2007). We must now wait and see if the repercussions of the U.S.-India deal can help push the hands of the clock back by enhancing greater regional and, perhaps, worldwide security. For peaceful nuclear power, which continues its struggle to disengage itself in the minds of many from the military applications of the atom, the success of this civilian nuclear deal is crucial—but it is not assured.

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