



COMMENTARY

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Nuclear Cooperation with India: Storms Ahead

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Yesterday's White House signing ceremony of the "Henry Hyde United States-India Peaceful Atomic Energy Cooperation Act," which permits U.S. civilian nuclear cooperation with India, is the culmination of a year and a half of work, and more than its share of dramatic near-disasters, in India and in the United States. It makes possible a new era in U.S. relations with India.

It is the beginning of a long road. The focus now shifts to New Delhi, where the deal has aroused strong opposition from three principal sources: communist parties who are part of India's governing majority; the Bharatiya Janata Party (BJP), India's main opposition party; and former members of India's nuclear establishment.

The controversy in India takes place as work gets under way on the three major steps that must still be taken before the deal can be fully defined and implemented. India and the United States must negotiate a bilateral cooperation agreement, which will require formal approval by the U.S. Congress. This agreement will spell out the technical details for nuclear trade; it, even more than the just-passed legislation, will embody "the deal." In addition, India and the International Atomic Energy Agency (IAEA) must agree on a safeguards agreement and "additional protocol;" and the 45-nation Nuclear Suppliers Group (NSG), which regulates nuclear trade, must change its rules to permit its members to undertake civilian nuclear cooperation with India. India has already started preliminary negotiations with the U.S., the NSG and IAEA.

Most experts expect the deal to be implemented in the end, but the debate in India over the coming months will be anything but cordial. Of the three principal groups of opponents, the communists pose the biggest headache for Prime Minister Manmohan Singh's government, which is naturally keen to avoid a showdown in parliament with members of its own coalition. The communists are motivated by their traditional objection to close India-U.S. relations, and have zeroed in on the bill's reference to the need to secure India's help in stopping Iran's nuclear-weapons program, arguing that this impairs India's foreign policy autonomy. In early December, the Communist Party of India (Marxist) (CPM) described the bill as "grossly violative" of assurances given by Prime Minister Singh in parliament.

The hostility of the BJP, the principal opposition party, is driven by their desire to find specific issues on which they can attack the government. Many observers see this as a cynical exercise, and believe the BJP would have been delighted to present a comparable deal when they were in government.

The protests of several of India's top retired nuclear scientists reflect India's tradition of scientific autonomy, and will provide arguments for the more politically motivated opponents of the deal to draw on. The scientists are proud to have developed India's civilian reactors and weapons arsenal in spite of sanctions that prevented them from importing technology or even attending foreign workshops and conferences. For these scientists, buying technology from abroad in some sense impairs India's drive to develop technology by itself. They bridle at any language that even hints at restrictions on India's nuclear establishment.

The scientists' principal objections center on the concern that India may "lose control of its nuclear future," as spelled out in an article by a former chairman of the Indian Atomic Energy Commission. The scientists specifically object to the provision under which India will place 14 designated civilian reactors under international safeguards in perpetuity, which in turn will be linked to nuclear supplies being maintained. They argue against the bill's statement that the U.S. should

seek to achieve a moratorium on the production of fissile material for explosive purposes, including India, Pakistan and China. They oppose the clause that suspends all cooperation were India to conduct a nuclear test. In the original statement announcing the agreement in July 2005, Prime Minister Manmohan Singh had announced a unilateral Indian moratorium on tests; the scientists object to embedding it in U.S. legislation. They challenge the U.S. decision not to include reprocessing and enrichment in the scope of nuclear cooperation; this is a matter of long-standing U.S. policy that goes well beyond India.

In addition, the scientists question whether the U.S. can be trusted as a dependable supplier of nuclear fuel and know-how. They point to the cancellation of the fuel supply contract for U.S.-built power reactors at Tarapur, a city north of Mumbai (Bombay), because U.S. legislation passed after India's first nuclear tests imposed new safeguards requirements on U.S. nuclear trade with India. This led among other things to an incident in 1983 when India had to shut down one of the two reactors.

But despite well-publicized opposition to the bill in India, implementing the deal does not require a formal act of approval by India's parliament. The communist parties, despite their fiery rhetoric, have no desire to topple the government over this issue. This is the first time they have a seat at the governmental table; the next election may not be this kind to them. For the BJP, which has been in disarray since it lost the parliamentary elections in 2004, this is a good time to act tough and make some noise, but not a good time to try to bring down the government.

The real impact of Indian domestic opposition to the nuclear deal will be to complicate bilateral negotiation of the "123 Agreement," named after the clause in the Atomic Energy Act that permits cooperation with outside sovereign entities. The Indian government will have to show that it is not backing down under U.S. pressure. For instance, Prime Minister Singh had to assure parliamentarians yesterday that India won't accept any provisions that were not part of the either the July 18, 2005 statement or March 2 Separation Plan. Negotiating with the NSG and the IAEA, whose governing board includes India's arch-nemesis Pakistan, will be less arduous but won't be a cake-walk either.

A fourth and more diffuse source of opposition in India to the India-U.S. nuclear deal lay in the suspicion, widely shared in political and elite intellectual circles, that the United States would ultimately not deliver what it had promised. Passage of the legislation shoots a huge hole in this argument. This is why the December 18 signing ceremony is such an important departure. In nuclear and other matters, it has started the all-important process of demonstrating that the United States and India are capable, together, of changing some of the important impediments to strategic cooperation.

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