

COMMENTARY

The U.S.-India Nuclear Deal and Nonproliferation

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Opinions on the U.S.-India nuclear deal signed last week by both countries are all over the map, depending on the eye of the beholder. Some view it as a cornerstone of the relationship, creating multibillion dollar business and bringing political benefits—including as a counterweight to China. Others see the undermining of global nonproliferation efforts, giving India a number of nuclear benefits without requiring comprehensive safeguards to the entire Indian nuclear program. Further, it does not bring limitations or transparency to the Indian nuclear weapons program.

The proponents of the deal recognize that India has a good record of not proliferating nuclear technology or knowledge and has abided by the export control standards established by the Nuclear Suppliers Group, although India is not part of that group. It is further argued that, as India is going to accept enlarged International Atomic Energy Agency (IAEA) inspections, it is increasing its international commitments in the nuclear field, short of joining the Nuclear Non-Proliferation Treaty (NPT). India, Pakistan, and North Korea have demonstrated their ability to carry out nuclear explosions, and thus established themselves as being nuclear weapon states outside the frame of the NPT. To bring these countries into other kinds of agreements and treaties related to nuclear nonproliferation and disarmament is thus essential.

The Comprehensive Nuclear Test Ban Treaty (CTBT) is one such treaty. Both India and Pakistan have declared moratoria on nuclear weapons testing. India has a historic record of supporting a ban on nuclear testing. On April 2, 1954, Prime Minister Jawaharlal Nehru took the first international initiative by calling for a “standstill agreement” on nuclear testing. Nehru proposed that discussions on such an agreement should begin in the UN Disarmament Commission, which was established in 1952.

India also played an active role in the negotiations on the CTBT from 1994 to 1996 and in the technical work on the verification measures. However, toward the end of the negotiations, India disagreed strongly with the provision on entry into force, which required ratification by 44 countries (including India). The treaty was adopted by the UN General Assembly on September 10, 1996. India, Bhutan, and Libya, were the only three states to vote against the resolution.

Now India is one of the remaining nine states, along with China, Egypt, Indonesia, Iran, Israel, North Korea, Pakistan, and the United States, that needs to sign and ratify the CTBT for the treaty to enter into force. Given that India in the deal with the United States has reaffirmed its commitment to a moratorium on nuclear testing, it obviously sees no need for further testing. Secretary of State Condoleezza Rice told Congress on April 5, 2006, “We’ve been very clear with the Indians...should India test, as it has agreed not to do, or should India in any way violate the IAEA safeguard[s] agreements to which it would be adhering, the deal, from our point of view, would at that point be off.” The recently released answers from the State Department on the agreement say, “As outlined in Article 14 of the 123 Agreement, should India detonate a nuclear explosive device, the United State has the right to cease all nuclear cooperation with India immediately.” Senator Barack Obama said he would work to secure ratification of the CTBT in the United States and on diplomatic efforts with India and Pakistan toward ratification of the treaty.

As joining the NPT in its present form is not an option for India, adhering to the CTBT provides India with an opportunity to be part of an important treaty related to nuclear disarmament and nonproliferation. India would thus reaffirm its commitment to nuclear nonproliferation and join the international community in establishing a legal framework to ensure that concrete measures, such as a ban on all nuclear weapons testing, are put in place on a global scale.

The CTBT has been on the political back burner since the U.S. Senate refused to give its consent to ratification in 1999. In the meantime, the Preparatory Commission of the treaty is on its way to finalizing the implementation of the treaty's verification regime by establishing the most comprehensive international monitoring system ever created. This is to be supported by an intrusive on-site inspection regime.

An Indian signature and ratification of the CTBT would inject much needed political energy into the efforts to bring the treaty into force. India could regain a political leadership role on the CTBT. With the U.S.-India deal, a powerful economy, and a new role on the world stage, this responsible democracy could take the responsible step of joining global efforts to promote nuclear nonproliferation and to achieve the goal advocated by Nehru in 1954.

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