

## **The Nuclear Deal With India**

**Henry Sokolski** moderated this panel and opened the session by reminding the audience that a nuclear deal between the U.S. and India has already been struck and that our focus should now be on what would be required or desired to implement this deal. Many things were left open to interpretation in the U.S.-India joint statement and the great challenge for Americans and nuclear supplier states is to figure out these ambiguities.

**Andrew Semmel** explained that the U.S. government is mindful of the concerns of Congress and of our international partners as it looks to advance this nuclear deal. In Semmel's view, India's commitment to this deal will actually enhance the international nonproliferation regime and it is not strategically wise to keep India isolated. The U.S. seeks to deepen our partnership with world's largest democracy and bring India closer to the nonproliferation mainstream.

In response to criticism that this deal changes the rules of the NPT, Semmel explains that while the U.S. continues to support NPT adherence, this was not realistic in the case of India. India will now take on new security efforts without formally signing onto the NPT. Semmel does not believe that other states will now undercut the NPT. The NPT is under stress through North Korea and Iran's non-compliance, not the India deal.

The U.S. government will seek agreement with Congress to change the relevant laws. The U.S. will also work with its international partners for same purpose. In the weeks ahead, Semmel expects India to take concrete steps towards furthering the deal and separating civilian and military programs.

**David Fite** expressed the frustration of the Congress over the July 18 Agreement being declared without any congressional consultation. Since July there have been two hearings on the Hill about the India deal. The first hearing on September 8 highlighted concern about India's relationship with Iran. Days later, the administration asked India to vote at an IAEA meeting to refer Iran to the UN Security Council. This agreement with India will have a difficult time in Congress if India does not go along with U.S. policy towards Iran. And if the Congress doesn't act, the agreement will not be implemented.

According to Fite, there are several things that Congress should consider:

- Should Congress go first or wait for the administration or the NSG to take action? If Congress goes first, then the nuclear suppliers group should likely assume the same conditions. Everything is determined by who goes first.
- How far is India willing to go with this agreement? Will the separation of programs be credible? Will India's separation of programs be enough for Congress?
- India's violation of past agreements with the U.S. regarding nuclear exports must be considered.
- Should changes to U.S. law be India-specific or more general (and apply to such states as Israel or Pakistan)?

- Think about what to do if there is a problem with the agreement (e.g. India attempts another nuclear test).

**Baker Spring** addressed the way ahead for Congress and others. If we don't get the policy choices right, then we are limited in what we can do. What we have here is a classic formula for a two-track policy and we must balance these tracks:

- Track One – focus on universal adherence and commitment to attaining the goals of the NPT.
- Track Two – focus on security concerns about South Asia and other regions.

In Spring's view, India is not a special case and we should establish a policy that applies to all de facto nuclear powers. As another guideline, the U.S. should bar any nuclear cooperation with those states that play outside the rules of the NPT. India must step up and show its commitment to this new nuclear deal in order to encourage changes to U.S. law that allow for nuclear cooperation. Next, the U.S. must encourage nuclear disarmament by addressing the security concerns that drive nuclear aspirations in the first place. Additionally, India must not be engaged in "second tier proliferation" -- the spreading of nuclear weapons capability to other states. While this is explained in general terms in the agreement, it should be addressed in more detail. India's de facto nuclear status is not a preference of the U.S. but it is a fact. How we acknowledge this fact without giving up on NPT ideals is important as Congress considers legislating on the issue.

**Sverre Logaard** insisted that drawing India into the nonproliferation regime is a move for the better. Yet, does this gain come with the diminished commitment to the NPT from other states? This must be evaluated. This deal legitimizes India as a nuclear state without granting full recognition. Formal recognition may follow in due course. While there are pros and cons of recognition, the weight of the argument is in favor of this deal and the recognition it implies.

The NSG heard the first briefing on this deal about three weeks ago. There were some favorable views -- France may want to emulate this deal with India. Others are wedded to the NPT and raised doubts about the nuclear deal with India. However, overall opposition from the NSG is mild. Now the U.S. might want to win early acceptance from the NSG but this will probably fail because the NSG will want to make the first move, not the last, and they will argue over timetables. Outside of the NSG, resistance will be stronger -- perhaps from countries such as Argentina, Brazil, Algeria, Japan, and others.

Logaard warned that India must not allocate too much to military side of the line when separating nuclear programs. This would stimulate opposition from the NSG and others and could jeopardize the deal. Safeguards should also be applied in perpetuity.

According to Logaard, the U.S. is belittling its commitments to Article 6 of the NPT and was therefore not in a position to lean on India to comply with Article 6 when negotiating the nuclear deal. However, it would have made sense to lean on India to comply with

this article anyway. There has been no such commitment made. The weakness of joint statement reflects the weakness of U.S. nonproliferation policy.

In the Q&A session, Bill Potter asked the panel what persuaded the administration to pursue this deal with India now despite years of a different stance towards India's nuclear status? Semmel responded that India is different now than it was five years ago and also that the change in administration officials in Bush's second term brought with it changes in priorities. The current administration thinks that this deal with India is an important initiative to pursue.

Norman Wilk, a retired U.S. government official, questioned whether the deal with India will make it easier or more difficult to persuade Iran to give up its nuclear aspirations. Logaard responded that the deal makes India side with the EU and U.S. on Iran issues and that Iran does not want to be seen as a pariah so it will likely be uncomfortable if it sees that whole world is ganging up against them.

*Summary prepared by Janine Keil, Georgetown University, MSFS 2005*