

# The India-US Nuclear Deal at a Crossroads

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*As the US-India-Japan-Australia-Singapore joint military exercise styled Operation Malabar was conducted in early September, reverberations were felt not only in China, but also in India. The US-India nuclear agreement, driving a nail deep into the Nuclear Non-Proliferation Treaty, has produced sharp debate within Indian politics, including in the ruling coalition, as described by Praful Bidwai. Japan Focus.*



Operation Malabar. Rear Adm. Terry Blake, commander of Carrier Strike Group 11, discusses operations with Rear Adm. Robin Dhowan, commander-in-chief of the Indian Eastern Fleet, aboard Indian Navy aircraft carrier INS Viraat (R 22). Blake cross-decked from nuclear-powered aircraft carrier USS Nimitz (CVN 68) as part of Malabar 2007. Nimitz Carrier Strike Group and embarked Carrier Air Wing (CVW) 11 are deployed in the 7th Fleet area of operation.

New Delhi~As India's coalition government tries to complete the controversial nuclear cooperation deal with the United States, it finds itself caught between domestic opposition to the agreement from its Left-wing allies and

pressure from Washington to seal the deal.

For the agreement to be completed, it needs to be approved by the International Atomic Energy Agency (IAEA), and must receive unconditional exemption from the rules for nuclear commerce set by the 45-nation Nuclear Suppliers' Group (NSG), before it is put up for ratification by the U.S. Congress.

At stake is the survival of the United Progressive Alliance (UPA) government, which needs the support of the Left for a parliamentary majority. After a second round of talks between the UPA and the Left in a 15-member committee two days ago, the two sides seem no closer to reconciling their differences on the deal.

The Communist Party of India (Marxist), India's largest Left party, has now asked the UPA government to put off all talks of completing the deal by six months.

India's Left parties oppose the deal because they see it as a way of bringing India into the U.S. strategic orbit and of compromising sovereign decision-making on foreign policy, security and nuclear matters. They also have reservations about the economic viability of nuclear electricity, which the deal seeks to promote in a big way.

Other critics of the deal stress that it will weaken the global non-proliferation norm, and help India build up its nuclear weapons arsenal, and hence trigger a dangerous nuclear arms race in the subcontinent and Asia as a whole.

Meanwhile, the U.S. is setting the timetable for the negotiations process at the IAEA and the NSG. The chief American technical negotiator for the deal, Richard Stratford, has said: "The U.S. wants to meet the entire prerequisites of the operationalisation of the deal by the end of this year."

Washington has told India that it wants to formally present the deal for approval at the NSG's meeting in South Africa on November 11. This means that India will have to negotiate a special inspections (safeguards) agreement with the IAEA well before that.

The sequencing and timing of the process is being largely determined by the domestic political calculations of the Bush administration, which is heavily invested in the deal. The administration would like to present the agreement for the Congress's ratification soon after its winter break.

"This only leaves a narrow window of opportunity for pushing the deal quickly through Congress," says M.V. Ramana, an independent nuclear affairs analyst at the Centre for Interdisciplinary Studies in Environment and Development, Bangalore. "Clearly, the Bush administration feels that it can use the deal before the next Presidential election in favour of the Republican Party by touting it as a major foreign policy achievement -- in contrast to Iraq and Afghanistan. That's why it seems to be in a hurry to speed up the negotiations process."

Adds Ramana: "There may be yet another calculation too. President George W. Bush's advisers know that Prime Minister Manmohan Singh faces serious domestic opposition to the deal, and they probably want to help him by building countervailing pressure against the Left."

The U.S.' pressure tactics may however have the opposite effect. They could well precipitate a major confrontation between the UPA and the Left parties, leading to the unravelling of the government. So far, the Left has desisted from threatening to topple the government.

Last month, the UPA and the Left agreed to set up a joint committee to resolve mutual differences on the deal.

They have focussed, in particular, on a special law called Henry J. Hyde Act passed by the U.S. Congress last December, and the "123" agreement signed between the two governments this past July to amend Section 123 of the U.S. Atomic Energy Act so as to permit nuclear cooperation with India, although it has not signed the Nuclear Non-Proliferation Treaty, and is a de facto nuclear weapons-state.

The UPA has made no specific commitment to stop taking steps to complete the deal until the committee completes its deliberations, but it was agreed that "the operationalisation of the deal will take into account the committee's findings."

A speeded-up negotiation process with the IAEA and the NSG is likely to queer the pitch of the UPA-Left talks and might lead to their collapse.

Earlier this week, the Communist Party of India (CPI) warned that if the government holds talks with the IAEA on a safeguards agreement at its general conference meeting in Vienna, it would regard it as a "breach of trust".

India's Atomic Energy Commission chairman Anil Kakodkar did address the IAEA meeting, but refrained from making a specific mention of the U.S.-India nuclear deal during his speech. He however held informal consultations with the IAEA director-general Mohamed El-Baradei

and nuclear officials from different countries.

It is uncertain, however, if the deal will sail smoothly through the IAEA, and especially, the NSG.

Although the IAEA bureaucracy, and El-Baradei in particular, is sympathetic to the deal, the Agency's board of governors may not be unanimous in conceding India's demand for a special safeguards protocol, which limits inspections on Indian facilities to the period during which they receive imported supplies. Typically, the IAEA demands safeguards in perpetuity.

Indian officials are hopeful that along with their U.S. counterparts they will be able to persuade the board.

"Securing exceptional exemptions for India from the NSG might prove even more difficult," argues Achin Vanaik, professor of international relations and global politics at the University of Delhi. "Several members of the Group have reservations about making a special, indeed unique, exception for India because that will damage the global non-proliferation regime. Some, such as New Zealand, Ireland and the Nordic states, have expressed their opposition."

"Even countries like Germany, the Netherlands and Japan seem inclined not to grant an unconditional exemption to India. It is hard to tell if combined lobbying by India, the U.S. and

other supporters of the deal like Britain, France and Russia will bring the fence-sitters on board. And what position China will adopt remains the greatest unknown," Vanaik added.

Beijing is known to favour a "criteria-based" generic approach, rather than a country-specific one, to the question of exempting de facto nuclear weapons powers like India and Pakistan from the tough regime of NSG rules. It also enjoys a remarkably friendly relationship with Pakistan, and would not like to see India acquire more nuclear weapons as a consequence of the deal.

However, China may not want to be the sole NSG member-state to be seen to be opposing the U.S.-India nuclear deal. It will probably wait to see how other countries play their cards before revealing its own hand.

Says Vanaik: "If the NSG negotiations get significantly delayed because of opposition or reservations, the deal might get jeopardised. The U.S. Congress will soon get preoccupied with domestic issues as the presidential election approaches. And it is far from clear if Bush will have the political capital or the ability to push the deal through once he becomes a proper lame-duck."

*This article appeared at Interpress Service on 23 September, 2007. Posted at Japan Focus on 24 September, 2007. Praful Bidwai is a New Delhi-based columnist and an environmental and peace activist.*