



COMMENTARY

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THE U.S.-INDIA NUCLEAR AGREEMENT

The U.S.-India Atomic Balm

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The newly announced U.S.-India nuclear agreement was hailed as the centerpiece of the summit between President Bush and Prime Minister Singh, and President Bush is citing the agreement as a major nonproliferation victory. Close examination of the agreement, however, raises serious questions about both the actual and relative value of the deal for nuclear security in India and for the global nonproliferation system. While it can be argued that the deal is better than nothing, it is not clear that it places any constraints on India's growing nuclear weapon program or reduces pressure among other states in the region to limit their own nuclear weapon programs.

Under the March 2 agreement, India has laid out how it will separate its civilian and military nuclear programs, and has committed that International Atomic Energy Agency (IAEA) safeguards to prevent unauthorized diversion of nuclear materials will be permanently placed on its civil program. In the end, the U.S. accepted India's position that it be allowed to define which of its future reactors should be on this list, and it includes no requirement that India place energy producing reactors in the civilian program. Thus, future Indian reactors can produce both plutonium for weapons and electricity for civilian use. Furthermore, India may never place another nuclear facility under inspections, beyond the 14 of its existing 22 nuclear power reactors it has designated as "civilian." None of the plutonium breeder reactors that India is developing may ever find their way onto the IAEA safeguards list, enabling India to greatly expand its supply of weapons-grade plutonium.

Under the agreement, India has recommitted itself to the informal moratorium on nuclear testing. This does help reinforce the global norm against nuclear testing. However, India avoided any commitment not to be the first to break the moratorium and successfully resisted U.S. requests that it adopt a moratorium on the production of nuclear materials for weapons. The five acknowledged nuclear weapon states (U.S., Russia, France, Britain, and China) are all currently under such an informal moratorium. Thus, in the end India has retained the freedom to expand and advance its nuclear weapon program in exchange for placing a portion of its energy producing reactors under international safeguards.

In exchange for India's commitments on safeguards, the U.S. has promised to provide India with access to peaceful nuclear technology and to work to open up the multinational Nuclear Suppliers Group so that India may access the international nuclear supply market. This access will improve the safety of Indian nuclear facilities, as well as the ability of India to provide energy for its advancing economy, with residual benefits for the United States and others. The agreement will also help politically cement the U.S.-India strategic relationship, viewed as critical for ensuring America's strategic and economic strength in the region in the years ahead.

President Bush must now pursue significant changes in U.S. law to implement the U.S.-Indian agreement. To do so, he must overcome some significant concern in Congress and policy circles in Washington in order to gain congressional approval for a still to be negotiated agreement for civilian nuclear cooperation. Congress

must approve such an agreement before any nuclear cooperation can take place. It is likely the negotiation of this bilateral agreement will take several months if not longer, pushing consideration of any agreement into the next Congress. In the mean time, some members of Congress may seek to condition their support for any agreement on strengthening the nonproliferation terms of the U.S.-India agreement.

The administration is right to point to the benefits of more closely tying India to the international nonproliferation regime as an important step forward. It is critical that all states with significant nuclear capabilities place a maximum number of their facilities under safeguards and ensure that nuclear materials under their control are adequately protected. However, the deal with India has a number of direct and indirect shortcomings that may call the ultimate nuclear security benefits into question.

The first is the fact that India will be able to greatly expand its nuclear arsenal in the future. By failing to obtain any significant constraints on the future production of Indian nuclear weapons, the United States appears to have failed to implement some of its early negotiating goals for the U.S.-India deal. Indirectly, the deal will raise serious questions among other advanced countries that have abided by the terms of the nuclear Non-Proliferation Treaty. Countries like Japan, Germany, Indonesia, and others may question why they must accept expensive and intrusive inspections over their entire nuclear programs to gain reliable access to nuclear technology when India is not required to do the same. These states are unlikely to withdraw from the treaty or the inspection regime in response, but the decision by the United States will increase the existing tension between nuclear haves and have nots under the NPT. On a practical level, it will also make the U.S. case for limiting weapons-usable fissile material in the world and limiting the spread of enrichment and reprocessing technologies even more difficult. It also opens up possibilities for other exceptions such as potential expanded nuclear cooperation just announced between Pakistan and China.

Perhaps most importantly, the future growth in India's nuclear arsenal may increase pressure on both China and Pakistan to further increase their own nuclear weapon programs. There are great concerns about the security and reliability of control over nuclear assets in Pakistan and every additional kilogram of material in Pakistan is an additional kilogram of material that might find its way into the hands of terrorists or rogue elements within Pakistan itself. For China, India's growing nuclear program could lead Beijing to end its self-imposed moratorium on nuclear weapons material production and conceivably to resume nuclear testing at some point in the future. While far from certain, the belief among many in China and elsewhere that the U.S.-India deal is motivated in part by a desire to have India build up its nuclear program to further contain Chinese power will add to the potential friction between China and the United States.

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