



Nuclear Consistency

The U.S.-India deal, and our approach to rogue nuclear powers, is threatened by double standards

By Victor Gilinsky

April 30, 2007

Available online at:

<http://article.nationalreview.com/?q=ZmUyNmJkNDNhNDJkNTIINzYzNzEyZmM4MzkyYjZkZTA=>

INDIA IS a friend, but a difficult friend—especially on nuclear issues. This is becoming all the more clear as the United States’ proposed deal to swing open the gates to nuclear commerce with India, which George Bush called a strategic coup when it was announced in July 2005, is threatened by India’s unwillingness to accept international inspection and its insistence on making bombs. On May 1 Indian Foreign Secretary Shiv Shanker Menon will visit Washington to press India’s case.

Nuclear testing is the main sticking point in negotiations. Bush must overcome congressional unease about opening a huge loophole in U.S. nuclear-export controls. So as a sop, the deal includes a so-called “Separation Plan,” wherein India would agree to essentially meaningless inspections of some of its reactors. To extract even this, Washington has had to agree to provide India with nuclear fuel supply, including for a “strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India’s reactors.” You’d think India would grab this ridiculously one-sided deal. But, no: Sensing the president’s eagerness for a foreign policy “victory,” India has held up the agreement, and is now demanding the United States promise to continue supplying India *even if India explodes more nuclear bombs*. Anything less, the *Hindu* editorialized on April 26, would be “an affront to India’s sovereign prerogatives. It is therefore completely unacceptable.” This would be a good moment for Congress to step in and say, “Enough!”

We have been through almost exactly the same thing before, and we have sadly not learned our lesson. In 1963, the United States entered into a 30-year, bilateral agreement on nuclear energy to allow the sale of two U.S. reactors. The agreement’s ostensible purpose was to overcome Indian resistance to the inspection system of the then-new International Atomic Energy Agency (IAEA), although the real reason had more to do with U.S.-Soviet competition in the third world. Despite extremely generous financial terms, the Indians still refused to accept IAEA inspections on the reactors themselves. It was, they said, an affront to “national sovereignty.” Instead, they agreed to inspections on the U.S.-supplied fuel and agreed to use only U.S. fuel. The Americans were so eager for the sale they accepted this as the “functional equivalent” of reactor inspection, and allowed the Indians to write their disagreement into the safeguards section, which tellingly read: “The Government of India emphasizes, *in contrast to the position of the United States*, that its agreement to the provisions of this Article...” etc. From the Indian point of view, the Americans were on the hook to keep supplying fuel—or else all restrictions were off, as they would also be after the 30-year term of the agreement ran out. This set expectations for future nuclear negotiations—the Indians taking a long view and holding fast to their position, the Americans looking for a quick deal and giving in.



Nuclear Consistency

The U.S.-India deal, and our approach to rogue nuclear powers, is threatened by double standards

By Victor Gilinsky

April 30, 2007

After India's 1974 nuclear test, when the United States tried to nail down that "peaceful" did not mean "explosion," the Indians responded that the government of India "regrets it is unable to share the understanding of the United States Government..." The United States was obliged to content itself with another "functional equivalent." We have since learned that statements that are "functionally equivalent" at one time can become non-equivalent later. Out of concern that India might pull out of the IAEA inspection arrangement, the Kissinger State Department and the Atomic Energy Commission actually *eased* the terms for fuel shipments after the explosion to assure the Indians there would be no cut-off. The Indians remember this history, even if our diplomats don't.

Congress took a dim view of this state of affairs and tightened export controls through the 1978 Nuclear Non-Proliferation Act (NPPA). It is this law Congress would now have to bend to allow the current U.S.-India nuclear deal to go forward.

Once again, our foreign-policy establishment claims to be focused on more important strategic issues—this time competition with China and U.S. business opportunities—and sees the Nuclear Non-Proliferation Treaty (NPT) as an unnecessary irritant, and wishes the NNPA would have the grace to go away.

The difficulty with this approach is that a fragile agreement like the NPT can only stand so much hypocrisy. We cannot curb the proliferation of nuclear weapons to hostile states without at the same time imposing a tough set of standards on friendly states. If India will brook no compromise, Congress should have the tactical good sense to reject the deal altogether.

— *Victor Gilinsky is a consultant on nuclear issues and a former commissioner of the Nuclear Regulatory Commission.*