



Nuclear Cave In by Joseph Cirincione

Editor's note: this is the second in a series of commentaries on President Bush's current visit to India and especially on the nuclear energy deal. Also see PacNets 37, 37A, 37B (www.csis.org/pacfor/pacnet – Aug./Sept. 2005) for differing views on this evolving initiative. Other insights and perspectives are welcome. As always, opinions expressed are those of the author.

Buffeted by political turmoil at home, President Bush sought a foreign affairs victory in India. To clinch a nuclear weapons deal, the president had to give in to demands from the Indian nuclear lobby to exempt large portions of the country's nuclear infrastructure from international inspection. With details of the deal still under wraps, it appears that at least one-third of current and planned Indian reactors would be exempt from IAEA inspections and that the president gave into Indian demands for "Indian-specific" inspections that would fall far short of the normal, full-scope inspections originally sought. Worse, Indian officials have made clear that India alone will decide which future reactors will be kept in the military category and exempt from any safeguards.

The deal endorses and assists India's nuclear weapons program. U.S.-supplied uranium fuel would free up India's limited uranium reserves for fuel that would be burned in these reactors to make nuclear weapons. This would allow India to increase its production from the estimated 6 to 10 additional nuclear bombs per year to several dozen per year. India today has enough separated plutonium for 75 to 110 nuclear weapons, though it is not known how many it has actually produced.

The Indian leaders and press are crowing about their victory over America. For good reason: President Bush has done what Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, Bill Clinton and his own father refused to do – break U.S. and international law to aid India's nuclear weapons program. In 1974, India cheated on its agreements with the United States and other nations to do what Iran is accused of doing now: using a peaceful nuclear energy program to build a nuclear bomb. India used plutonium produced in a Canadian-supplied reactor to detonate a bomb it then called a "peaceful nuclear device." In response, President Richard Nixon and Congress stiffened U.S. laws and Nixon organized the Nuclear Suppliers Group to prevent any other nation from following India's example.

President Bush has now unilaterally shattered those guidelines and his action would violate the nuclear Non-Proliferation Treaty proscription against aiding another nation's nuclear weapons program. It would require the repeal or revision of several major U.S. laws, including the U.S. Nonproliferation Act. Nor has he won any significant concessions from India. India refuses to agree to end its

production of nuclear weapons material, something the U.S., the UK, France, Russia and China have already done.

This is where the president is likely to run into trouble. Republicans and Democrats in Congress are deeply concerned about the deal and the way it was crafted. Keeping with the administration's penchant for secrecy, the deal was cooked by a handful of senior officials (one of whom is now a lobbyist for the Indian government) and never reviewed by the Departments of State, Defense or Energy before it was announced with a champagne toast by President Bush and Indian Prime Minister Manmohan Singh. Congress was never consulted. Republican committee staff say the first members heard about it was when the fax announcing the deal came into their offices. Worse, for the president, this appears to be another give away to a foreign government at the expense of U.S. national security interests.

Bad Example. In addition to breaking U.S. law and shattering long-standing barriers to proliferation, lawmakers are concerned about the example the nuclear weapons deal sets for other nations. The lesson Iran is likely to draw is simple: if you hold out long enough, the Americans will cave. All this talk about violating treaties, they will reason, is just smoke. When the Americans think you are important enough, they will break the rules to accommodate you.

Pakistani officials have already said they expect Pakistan to receive a similar deal, and Israel is surely waiting in the wings. Other nations may decide that they can break the rules, too, to grant special deals to their friends. China is already rumored to be seeking a deal to provide open nuclear assistance to Pakistan – a practice it stopped in the early 1990s after a successful diplomatic campaign by the United States to bring China into conformity with the Non-Proliferation Treaty restrictions. Will Russia decide that it can make an exception for Iran?

Lawmakers loyal to President Bush are already signaling tough times ahead for this deal. Rep. Ed Royce (R-CA), Chairman of the Subcommittee on International Terrorism and Nonproliferation offered the following statement after the deal was announced: "There is enthusiastic support on Capitol Hill for growing U.S.-India ties. However, the U.S.-India agreement on civil nuclear cooperation has implications beyond U.S.-India relations. In this process, the goal of curbing nuclear proliferation should be paramount. Congress will continue its careful consideration of this far reaching agreement."

His subcommittee has oversight and legislative responsibilities over nonproliferation matters. Senator Richard Lugar (R-IN), Chairman of the Senate Foreign Relations Committee, has made no secret of his concerns, as has Rep. Henry Hyde (R-IL), Chairman of the House International Relations Committee. Rep. Edward Markey (D-MA) says,

“America cannot credibly preach nuclear temperance from a barstool. We can’t tell Iran, a country that has signed the Nuclear Nonproliferation Treaty, that they can’t have [uranium] enrichment technologies while simultaneously carving out a special exemption from nuclear proliferation laws for India, a nation that has refused to sign the treaty.”

This looming Congressional battle will pit the proliferation fighters against the nuclear lobby and the increasingly powerful India lobby. Companies and countries (including France, Canada and Russia) are lining up to sell fuel and reactors to India. They will be joined by the neoconservatives who seek to construct an anti-China alliance. For them, as one architect of the India deal reportedly said, “The problem is not that India has too many nuclear weapons, it is that they do not have enough.”

If President Bush was riding high in the polls and had a string of national security victories behind him, this David and Goliath battle would be won by the nuclear giants. But with sagging popularity, deep concern over his leadership, and anger at the administration’s disregard for laws and consultation, lawmakers more concerned about proliferation than profits could block or amend this deal. The president may have made a fatal error in putting nuclear weapons at the heart of improved U.S.-India relations. Lawmakers want the latter, but not at the price of the former.

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