

WebMemo



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Maintaining Momentum on U.S.-India Civil Nuclear Deal

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Despite the warming in U.S.-India ties over the last several years, tensions over India's nuclear program have persisted, preventing the two countries from overcoming a deep-rooted mistrust. Successful completion of a civil nuclear accord will help to lift these suspicions so that the U.S.-India relationship can finally realize its potential. In addition to bringing India into the international nonproliferation mainstream and increasing safeguards on its civilian nuclear facilities, an agreement would cement relations with a country that shares America's democratic values and whose importance in world affairs is growing fast. Given the historical importance of this agreement, U.S. and Indian officials should resist the temptation to bargain endlessly over details and instead focus their energies on finalizing the deal without further delay.

Indian Critics Voice Concerns

While the U.S. Congress took its annual August recess, the Indian parliament debated the proposed civil nuclear agreement, demonstrating the challenges in bringing Washington and New Delhi into closer alignment on the sensitive nuclear issue. Shortly after the U.S. House of Representatives passed legislation supporting the deal in late July, Indian politicians from across the political spectrum criticized the U.S. bill for adding restrictions that went beyond the original agreement signed by President Bush and Indian Prime Minister Singh on July 18, 2005. Prominent Indian scientists put down their own marker for the Singh Government in an August 14 letter warning that the legislation

could restrict India's indigenous nuclear research and development program.

Despite the discord in New Delhi, key constituencies within the Indian government and bureaucracy support moving forward with the civil nuclear agreement. Prime Minister Singh also won high praise from Indian scientists and politicians for an August 17 speech to the lower house that sought to allay critics' concerns. In his speech, Singh said India would maintain an independent foreign policy and would not accept stringent regulations on its nuclear assets. Specifically, he noted that the "nuclear agreement will not be allowed to serve as a backdoor method of introducing NPT-type restrictions on India." The Indian Prime Minister also held a 90-minute private meeting with the dissenting scientists and reportedly promised that the government would consult with them while negotiating safeguards and an Additional Protocol with the International Atomic Energy Agency (IAEA).

Action Moves to U.S. Senate

All eyes are now on the U.S. Senate, which is likely to vote on its own version of legislation to support the agreement sometime this fall. The Senate should move as quickly as possible since further

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delay would raise suspicions in India that the U.S. is not fully committed to sealing the deal and could chip away at Indian public support for moving forward. Many in India are beginning to question the benefits of the agreement, and any further delay could make it more difficult for Prime Minister Singh to continue to back it.

Despite Indian criticisms of the legislation, excessive tinkering at this stage carries the risk that the carefully crafted legislation will lose the strong U.S. bipartisan support it now enjoys. Tensions between the Bush Administration and Congress have been palpable since the deal was first announced. Both chambers of Congress have debated the issue threadbare in committee hearings, and the committees with jurisdictional oversight have explored all angles of the agreement through hundreds of written questions to the Administration. This oversight has contributed significantly to the drafting of the legislation that is making its way through the Congress.

U.S. Additional Protocol

Some worry that the addition of the “United States Additional Protocol Implementation” could slow Senate passage of the India nuclear deal. This is a second title of the bill that would implement an agreement between the U.S. and the International Atomic Energy Agency (IAEA) regarding IAEA inspections of U.S. civil nuclear facilities. The Senate consented to the ratification of the Additional Protocol agreement on March 31, 2004, as requested by President Bush, and the Senate Foreign Relations Committee reported this implementing legislation as a separate bill (S. 2489) on April 3, 2006. The U.S. strongly supports the application of Additional Protocols to other states, including India, and so should honor its commitments under the agreement with the IAEA.

Some senators are wary of passing the Title II legislation for national security reasons, but U.S. nuclear facilities used for national security purposes are subject to a national security exclusion clause under the agreement because the U.S. is a recognized weapons state under the Nuclear Nonproliferation Treaty (NPT). IAEA inspectors will not be allowed to monitor defense- and national security-related facilities.

Still, this wariness is partially justified, and the issue of which sites are subject to the exclusion should be addressed. The Bush Administration plans to ensure that the appropriate facilities are covered by the national security exclusion, but the Senate should not simply leave the identification of such facilities to this and future administrations. The national security exclusion clause should be broadened and made permanent through an amendment to Title II. As appropriate, it should name specific facilities and categories of facilities that are covered by the exclusion clause. However, if such an amendment will result in undue delay in the adoption of the provisions of the bill related to the bilateral agreement with India, the Senate should simply strip Title II from the bill and take up S.2489 at a later date.

Conclusion

Both the United States and India must keep their eyes on the prize and consider the lengthy and involved process that brought the deal to its current stage. It would be disastrous for U.S.-India relations if those opposed to the deal on either side manage to scuttle it and undermine the hard-won progress that has been made over the last year.

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