

# **Bridging the US/India Nuclear Non-Proliferation Divide: The Way Ahead**

***A Cooperative Monitoring Center Occasional Paper by  
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## **Executive Summary**

The agreement signed between President Bush and Prime Minister Manmohan Singh on July 18, 2005, seeks major alterations in US policy towards India, in return for which India is committed to reinforcing its long-held stand on cooperation with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), acceding to intrusive voluntary inspections and working towards a fissile material production moratorium. The Agreement is going forward despite some domestic opposition in both countries.

For the US and India, the Agreement is the near culmination of their common strategic perceptions and the convergence of national vital interests. The convergence of interests makes the Agreement an extraordinarily unusual one. What was specifically agreed to therein is far less than what is generally promised; that is, a joint journey for both countries at the end of which both politics and international law will be satisfied. Politics demands that relations between the two largest democracies be completely normalized, and international law demands that the NPT not be breached in the attempt to satisfy politics. This report lays down a practical blueprint to satisfy both.

This report enumerates and amplifies the steps that the US would take under four broad headings. (1) The US would promote Indian participation in non-proliferation efforts that run outside the NPT, such as the Proliferation Security Initiative (PSI) and the Nuclear Suppliers Group (NSG). (2) US laws would be addressed that now prevent expanding technical, nuclear, and trade cooperation with India. These include the Nuclear Nonproliferation Act of 1978, the State Department Technology Alert List, and the Export Administration Act. (3) The US would expand commercial nuclear cooperation, including fuel supply for the Tarapur reactors and US Nuclear Regulatory Commission (NRC) cooperation with the Indian Atomic Energy Review Board (AERB). (4) Washington would intervene with international organizations to further India's energy and import needs. A corollary of the fourth initiative would be to encourage Indian participation in international nuclear technological research initiatives, thereby reinforcing the US belief in the absence of any other motive to India's unusual nuclear fuel cycle.

Simultaneously, the report outlines how India would begin by updating its Atomic Energy Act of 1962 to regulate the activities that are actually being done by the Indian Department of Atomic Energy. India would put greater effort in stabilizing the nuclear situation in South Asia. Supplementary activities by India could be divided into two

categories: (1) a phased separation of the civilian and weapon programs, with the nonmilitary portion becoming an independent commercial activity under majority government equity and (2) capping of the fissile material stocks once the programs are separated. The separated civilian program would be offered for international safeguards. The only portion outside these two areas—the non-weapon military activity of naval reactor production, fueling, and fuel manufacture would be declared, but not offered for inspections. India would agree to tighten a whole set of laws dealing with nuclear materials and the possible export of Weapons of Mass Destruction material. To enforce some rigor into domestic rules and regulations, Indian rules would be strengthened to abide by International Atomic Energy Agency (IAEA) Information Circular (INFCIRC) 225 for storing and transportation of non-weapon material and would also codify rules on military nuclear material. Comparisons have shown that India's new export control laws and banned lists are harmonized with the NSG guidelines, while some work may still have to be done on the Missile Technology Control Regime (MTCR) guidelines. India will step up its direct dealings with the International Atomic Energy Agency to assist in non-NPT initiatives, such as training personnel from other countries and locating "orphaned" radiological devices.

Lastly, the report concludes with the view that managing the promises will require interagency coordination of bodies on both sides that should deal directly with each other.