

**People's Democracy, August 25, 2007**

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**THE 123 AGREEMENT:  
Completing What NDA Had Begun**

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“I HAVE completed what you began.” So the media claims were the words of greeting that prime minister Manmohan Singh addressed to his predecessor Atal Behari Vajpayee when welcoming him to the briefing on the most recent step in the Indo-US nuclear deal, the finalisation of the ‘123’ agreement. Manmohan Singh’s spontaneous invoking of his predecessor’s legacy goes to the heart of what is critically wrong with the UPA government’s nuclear and foreign policy and many aspects of its strategic vision and security outlook. While the nuclear deal is the expression of a fresh tactical approach on the question of Indo-US nuclear relations by the UPA government, as compared to its predecessor, there is nevertheless a basic strategic continuity with the nuclear policy that was inaugurated by the NDA government following the nuclear weapons tests of 1998.

With the 1998 test, the NDA government announced India’s readiness to accede to the global non-proliferation order presided over by the United States provided India was accommodated as a nuclear weapons state. In particular, Vajpayee declared his government’s willingness to sign the CTBT and co-operate in the negotiations for a Fissile Material Cutoff Treaty. It was clear from the outset that any attempt to deal with the diplomatic and foreign policy fallout of the nuclear weapons tests, while trying to retain even a fig-leaf of ‘nuclear weapons state’ status, would involve substantial concessions to the United States in foreign policy terms on a number of issues. It also soon became clear that this was a price that the NDA government was more than willing to pay. Thus the strategy of attempting to break what was described as India’s isolation in the nuclear field by greater strategic closeness to the United States was inaugurated.

It is worth noting that presenting the problem as one of breaking out of India’s nuclear ‘isolation’ itself ignores the fact that India’s pre-1998 nuclear policy was a stable one founded on three clear unambiguous principles. These were resistance to the imposition of the discriminatory global nuclear order, which included a regime of science and technology denial, upholding the cause of nuclear disarmament, and finally resisting the immoral demand for unilateral nuclear disarmament by the nuclear powers particularly the United States. Despite the erosion of these principles over the years, particularly with the first peaceful nuclear test of 1974 and the gradual development of

weapons capability, paralleling and provoking similar efforts by Pakistan, the resistance to American efforts to dictate to India in the nuclear field remained substantially intact. Thus the so-called 'isolation' was not a policy weakness or shortcoming but the logical outcome of a national consensus on resisting the dictates of the nuclear weapons states, particularly the United States, in the nuclear field. In technological terms the consequence of this policy was the development, again despite many shortcomings and weaknesses, of considerable indigenous technical capability in the nuclear field.

## **FOR STRATEGIC CLOSENESS**

While little progress was made in the Jaswant Singh-Talbott talks during the Clinton administration, substantially greater possibilities opened up during the Bush regime. From the early days of the Bush presidency, the NDA government actively signalled its intention and willingness to enter into a relationship of greater strategic closeness with the United States. These covered a wide range, from the hasty and unseemly welcome accorded to the Bush decision to proceed with the National Missile Defence and Theatre Missile Defence proposals and the unqualified support for the US decision to attack Afghanistan following the World Trade Centre bombing, to the willingness to send Indian troops to Iraq alongside US troops, a move that was beaten back only by the strength of democratic public opinion. While the Bush administration clearly valued these moves they nevertheless tested the willingness of both the NDA and later the UPA government for closer strategic ties with a gradual upscaling of the bilateral relationship through the Strategic Partnership of 2001 and the Next Steps in Strategic Partnership of 2004.

The UPA government established its desire for continuity with the foreign policy and national security policy of the NDA government early on, even though the Common Minimum Programme had stressed on an independent foreign policy. One notable occasion for the demonstration of this continuity was the extraordinary enthusiasm expressed in government circles at the re-election of George Bush for a second term as president of the United States. The UPA government greeted the elections in Iraq, elections that democratic opinion in India condemned as a sham conducted under the aegis of the US occupation forces. Most significantly, just before the announcement of the nuclear deal in July 2005, the UPA government's then defence minister, Pranab Mukherjee, hurriedly signed the "New Framework for a Defence Relationship" in Washington, a defence agreement that had not been publicly announced before. Despite rhetorical invocation of the goal of global nuclear disarmament, primarily in parliament or to domestic audiences, the UPA's practice has followed the NDA of demonstrating little enthusiasm for taking it up on the world stage.

The thrust of the July 2005 joint statement by Bush and Manmohan Singh clearly demonstrated the new tactics of the UPA government in their negotiations with the United States. The scope of 'co-operation' between the United States and India was considerably widened allowing for concessions to the former that did not always exclusively arise from the arena of nuclear issues. Alongside the nuclear deal were several other initiatives. There was a new initiative in agricultural technology that was

supposed to herald a 'second Green Revolution', a Indo-US Joint CEO Forum that in its March 2006 statement articulated the concerns of US big industry regarding investment in India, a broader energy dialogue, and the agreement to participate in US projects oriented towards 'regime-change' such as the Global Democracy Initiative. The entire list is long and instructive. There were other concessions too that adhered to the theme of actions speaking louder than words. Among these were, for instance, the vote against Iran at the IAEA and the refusal to support it at the United Nations and (a less frequently noted) strategic opening up to Israel in the strategic and defence sectors.

But in the reading of the pro-deal lobby, not only was Bush willing to 'help India to become a superpower (sic!)' but he was going to do so by first helping India break out of nuclear 'isolation'. The virtue of the Bush administration, it was argued, was its pragmatism on the question of non-proliferation, its willingness to forget the past and to think out of the box, allowing India its due place at the nuclear high-table as a 'nation possessing advanced nuclear technology', a legal euphemism as it were for the term 'nuclear weapons state'.

### **NO PUBLIC OR POLITICAL SUPPORT**

The story of the progress of the nuclear deal since the original July 2005 statement has been the debunking of this myth and a retreat in the face of American pressure. Today, despite both a concerted media campaign in support of the agreement and the consistent support of most editorial offices in the country, the government has little public or political support for the latest stage deal. Even the television studio opinion polls, known to be notoriously biased in favour of elite opinion, have given little comfort to the government in its beleaguered state.

The UPA government could have had significant advantages in its efforts to end nuclear 'isolation' if it had attempted to initiate the reversal of nuclear weapons induction and deployment, in tandem with Pakistan that had been set in motion by the NDA government. If such a stance had been linked to a refusal to undertake a unilateral declaration of nuclear disarmament, it would have significantly deprived the United States non-proliferation lobby of much of its leverage *vis-à-vis* India, while allowing India to regain the moral high ground on the non-proliferation issue. However, the UPA government significantly continued to insist on the question of asserting India's nuclear weapons status, rather than limiting itself to a refusal to undertake unilateral disarmament. Even in the domestic arena Manmohan Singh and his government have shown greater alacrity in assuaging the BJP's jingoistic inclinations rather than the consistent criticism of their own Left allies. In the very first July 2005 statement, the term 'nation possessing advanced nuclear technology' was widely regarded as an assurance to significant sections of the Indian elite that India's capability to display nuclear belligerence in the sub-continent remained undiminished.

### **QUASI-WEAPON STATUS DEBUNKED**

But the idea of ‘nation possessing advanced nuclear technology’ status as equivalent to quasi-weapon state status was debunked soon enough. The United States made it amply clear to the world, on the eve of Bush’s visit to India, that in the framework of the Global Energy Partnership, countries like India would have no access to reprocessing technology. Thus there was to be no opening up of technology and collaboration across the entire nuclear fuel cycle. The US administration has since stood steadfastly by this policy. Consistent with this understanding, the United States has also clearly stood by its refusal to lift any restrictions on dual-use technology related to enrichment or reprocessing. Among other things this allows the United States to argue that its stance on Iran’s nuclear policy is consistent with its India deal, despite the superficial common understanding that its policies towards the two countries are mutually inconsistent.

The US Congress, with the passage of the Hyde Act subsequently codified these policy stances while adding several conditions of its own. It made clear, if one cut through legislative niceties, that the continuation of the deal lay in India ensuring that it stayed in the general orbit of influence of the United States and that it would obey the diktat of the sole superpower on critical nuclear and foreign policy issues, embodied in requirements of annual presidential certification. The passage of the Act also demolished the idea peddled by the pro-deal lobby in India that made out Bush to be virtually the sole player in the execution and implementation of US non-proliferation policy.

The passage of the Hyde Act made it clear that key elements of what Manmohan Singh had told parliament were India’s basic minimum requirements for the deal to go through would not be met. The final 123 agreement was thus anticipated by many sections of the polity, particularly the Left as well as by informed public opinion.

## **MERE WORD PLAY**

Clearly word play is the only option left at this juncture. Thus, we have ‘full civilian nuclear cooperation covering aspects of the nuclear fuel cycle,’ a phrasing that attempts to brush under the carpet the absence of cooperation covering the *full nuclear fuel cycle*. The dual-use restrictions remain and will cover all enrichment and reprocessing activity. This will undoubtedly be extended to cover the fast breeder reactors as well, even if all the ones to be built will be in the domain safeguards. We can build these fast breeders of course if we choose to, but with one hand tied behind our backs through dual-use restrictions, while the entire activity takes place under safeguards.

The government has publicly expressed the hope that the NSG will be kinder and be less restrictive on dual-use technologies. But this logic strangely assumes that the United States, having gone through this effort in order to open up the Indian nuclear power market, will now obligingly allow other countries to overtake it by offering us the entire fuel cycle technology on more liberal terms.

Disturbingly it appears that the Government may have given away much more than necessary in allowing the United States to cease co-operation for more reasons than just

a nuclear weapons test by India. Undoubtedly the Government would have been anxious, following in the jingoistic footsteps of the BJP, to allow no reference to testing to appear in any form whatsoever in the 123 agreement. However, since the Hyde Act demands the cessation of co-operation in the event of a weapons test by India, a so-called solution appears to have been found in language that gives away more than what the Hyde Act had demanded in the first instance.

Democratic and Left opinion would hardly wish that the option of a weapons test be exercised. Nevertheless the specious attempt of the government to suggest that the 123 agreement allows India to test without attracting immediate retaliatory action by the United States is one that is of a piece with the jugglery with words that marks the current effort of the Manmohan Singh government to sell the deal. This claim has now come an immediate cropper with the US State Department spokesman denying New Delhi's interpretation of the 123 agreement.

While opening up the Indian market for the nuclear power companies of the major industrial powers, it remains unclear whether these new reactors will be additionalities to India's energy sector or so many albatrosses, like Enron, around its neck, since no serious techno-economic considerations have yet been applied. Techno-economics of nuclear power, particularly using imported reactors, needs to be done independently of the nuclear deal.

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