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Indian lawmakers may seek to void extra conditions on deal with US

Indian lawmakers may try to pass a resolution in coming weeks to press Prime Minister Manmohan Singh not to accept additional conditions that may be attached by the US Congress or the US administration to the US-India nuclear deal, New Delhi political sources told Platts this month.

"The aim is to set a baseline" to prevent Singh from "accepting on his own" any additional terms for US-Indian nuclear cooperation that go beyond the bilateral Joint Statement from July 18, 2005, said one source involved in parliamentary discussions and close to the opposition Bharatiya Janata Party, or BJP.

Under India's constitution, it is not necessary for Singh to obtain parliamentary ratification of a bilateral treaty or agreement with the US for nuclear cooperation.

Singh's Congress Party heads a minority government that relies on leftist parties outside the government, including the communists, to form a majority. Two weeks ago, leaders from the BJP and the other opposition parties that formed the last Indian government sent a letter to Indian president A.J.P. Abdul Kalam stating their opposition to the US-India deal on grounds of India's security needs. The parties, which were voted out of power by the Congress Party in 2004, warned

that they might abrogate such an agreement if they formed a government to succeed Singh's current coalition (NW, 6 July, 10).

Last week, a group of "Left Front" parties demanded that India's constitution be amended to require that the parliament ratify foreign agreements and treaties such as the proposed US-Indian nuclear deal. The parties included factions Singh relies upon to form a working parliamentary majority.

Parliamentary sources said this week the BJP has not yet officially reacted to the leftist demand but that BJP leaders in principle would favor it. An amendment of the Indian constitution would require a two-thirds majority in parliament for it to pass. Indian parliamentary sources said this week

that some constitutional law experts favor changing India's constitution to require parliamentary ratification of foreign treaties and agreements. But these experts have warned that, if such a

motion were to be introduced into the Indian parliament now and be perceived as motivated to prevent Singh from getting approval for the US-India deal, it would fail.

Nonetheless, political sources in New Delhi said this week that critics of proposed US-India nuclear cooperation are closely watching whether the US-India deal will be finalized strictly on the basis of the US-India Joint Statement from last year. These critics are inside both ruling and opposition parties, as well as in the government of India administration, they said.

Thus far, there are no signs that the Lok Sabha, India's lower house of parliament with 528 seats, will block the US-India deal from being signed and approved by Singh on the basis of a no-confidence vote. But parliamentary critics said they are awaiting the outcome of US congressional and administration action that may impose further conditions or restrictions on India's nuclear program beyond what was implied or spelled out in the Joint Statement.

According to these sources, opposition to the US-India agreement in Indian politics may surge if the US Congress or the US administration imposes conditions that violate the commitment of "reciprocity" in the Joint Statement, or that would deter India from obtaining "parity" with members of the Nuclear Nonproliferation Treaty, which are not subject to international trade sanctions.

The Joint Statement commits both sides to "reciprocity" but it does not use the term "parity" in describing India's future status with NPT states. The statement says that India "should acquire the same advantages and benefits" as "other states ... with advanced nuclear technology."

The Joint Statement does not spell out that India would obtain equal status with the NPT's five nuclear weapons states. However, politicians and security experts in both BJP and Congress Party circles have interpreted the Joint Statement to mean that, as a result of the US-India deal, India would be accorded de facto recognition as a nuclear weapons state on par with the NPT's five nuclear weapons powers.

US officials have repeatedly said they are not recognizing India as a weapon state, but they also have said that constraining the Indian weapons program is not a goal of the nuclear deal.

One BJP member said, "If the US Congress says that, beyond what's

in the Joint Statement, India must do 'A,' 'B,' and 'C,' and Singh were to agree to that, he'd be putting the cart before the horse. It would be best if the Lok Sabha pass an all-party resolution to set a baseline for what Singh should agree to, or at least require that Singh inform us what his baseline is. India's security is at issue and we don't want him acting on his own."

Any resolution calling on Singh to state the government's position in making compromises with the US over a nuclear agreement would be non-binding, parliamentary sources said. But some argued that the resolution may nonetheless be politically effective because Singh has been criticized for failure to adhere to time-honored consensus positions concerning India's nuclear program, as well as other domestic policy issues.

Some critics of the US-India deal in the US have asserted that the Bush administration has been, in effect, under economic pressure from India to terminate nuclear sanctions against India. That's because India could favor other nations as trading partners if the US does not support India. However, in recent weeks, Indian critics of the US-India deal have claimed instead that Singh is making India's nuclear program more open to IAEA inspections because of pressure from the US.

Thus far, said **M.V. Ramana, a fellow at the Center for Interdisciplinary Studies in Environment and Development in Bangalore**, there is little or no sign that criticism of the US-India agreement expressed by Indian lawmakers will become a political groundswell threatening to topple the Singh government through a no-confidence vote. "This issue so far is seen as matter of foreign policy, and under our constitution, as in the UK system, that's in the hands of the prime minister," Ramana said.

A former US government official suggested last week that, should Indian lawmakers pass a resolution pressing Singh to make no concessions beyond the strict letter of the Joint Statement, the acid test of the Indian parliament's acquiescence to the US-India deal may not be what the US Congress decides. Instead, it may be what conditions are attached by the US Department of State in negotiating a bilateral nuclear cooperation agreement with the Indian government, the ex-official said. "These

agreements take, on average, several years to negotiate, and all the agreements we have negotiated to date call for a level of intrusiveness which might go beyond what either President Bush or Prime Minister Singh may have in mind."

Brahma Chellaney, a professor of security studies at the Center for Policy Research in New Delhi, said that if the parliament were to pass a non-binding resolution on the matter, "it might restrict Singh's field of action" should US lawmakers or diplomats impose further conditions on bilateral nuclear cooperation. "The Prime Minister runs the risk of becoming politically isolated if he is seen in this case as not defending India's deepest interests," Chellaney said.

According to parliamentary sources, thus far no concrete steps have been taken by lawmakers to introduce a resolution into the Lok Sabha, which is in recess through July 31.

If a resolution is introduced by its members, that would happen after considerable caucusing and behind-the-scenes drafting, according to sources briefing lawmakers on how to proceed. Were parliamentary critics to openly challenge the US-India deal now, they said, Singh could -- before the resolution was formally introduced -- simultaneously organize a counterattack from the large majority of Indian lawmakers who have not yet expressed any opinion at all on the US-India deal.

--Mark Hibbs, Bonn