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INDIA/US: Nuclear Waiver - Blow to Non-Proliferation

Analysis by Praful Bidwai*

NEW DELHI, Sep 8 (IPS) - The special waiver granted to India by the Nuclear Suppliers' Group (NSG) from its nuclear trade rules is being seen as a massive setback to the cause of global nuclear non-proliferation and disarmament.

The NSG's waiver will allow India to resume nuclear commerce with the rest of the world with very few restrictions although India is not a signatory to the Nuclear Non-Proliferation Treaty (NPT) and has refused to accede to any other agreement for preventing the spread of, reducing the numbers of, or abolishing nuclear weapons.

The 45-nation conglomerate, a private arrangement set up after India's first nuclear weapons explosion in 1974, turned a full circle at its special meeting in Vienna, on the weekend, the second one in a fortnight, held at the behest of the United States.

The NSG was originally established "to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices".

But it has now done the very opposite by agreeing to the exceptional waiver for India as part of New Delhi's controversial nuclear cooperation deal with the U.S. inked three years ago.

Washington hailed the waiver as "historic" and one that would boost nuclear non-proliferation, while New Delhi described the deal as an "important step" towards meeting the challenges of climate change and sustainable development.

Clearly though, the waiver only became possible because of the strong-arm methods used by the U.S. to bludgeon dissenting NSG members into agreeing to the exemption text it had drafted in consultation with India.

Contrary to the claim that the waiver, and more generally, the U.S.-India nuclear deal, will bring India into the global "non-proliferation mainstream" or promote nuclear restraint on India's part, it will allow India to expand its nuclear weapons arsenal and encourage a nuclear arms race in Asia, particularly in the volatile South Asian subcontinent, where Pakistan emerged as India's nuclear rival 10 years ago.

The special waiver has been roundly criticised by nuclear disarmament and peace groups throughout the world, including in India.

The waiver, says the U.S.-India Deal Working Group of the disarmament network 'ABOLITION 2000', comprising more than 2,000 peace groups worldwide, "creates a dangerous distinction between 'good' proliferators and 'bad' proliferators and sends out misleading signals to the international community..."

"The exemption" it adds, "will not bring India further into conformity with the non-proliferation behaviour expected of the member-states of the NPT."

Barring the exceptional situation in which India might conduct another nuclear test, the NSG imposes no significant conditions on nuclear trade with India. Even this condition is not stated up-front, and is mentioned in reference to a general statement by India's Foreign Minister Pranab Mukherjee on Sep. 5, in which he reiterated India's unilateral and voluntary moratorium on nuclear testing and its non-proliferation commitments.

But a voluntary moratorium can be lifted easily and unilaterally. In any case, it falls short of a legally binding commitment not to test.

India had insisted on a "clean and unconditional" waiver from the NSG, and has very nearly secured it, thanks to the indulgence of the U.S., which proposed the deal in the first place and lobbied hard and furiously for it.

With the waiver under its belt, India can proceed to import uranium fuel, of which it is running short, and a range of other nuclear materials, equipment and technologies for its civilian nuclear programme. But it can divert domestic uranium exclusively for weapons purposes.

"Under the U.S.-India nuclear deal, India signed an agreement to separate its military nuclear facilities from civilian installations and subject some of the latter to safeguards under the International Atomic Energy Agency," says Achin Vanaik, head of the department of political science at Delhi University, and a national coordination committee member of the Coalition for Nuclear Disarmament and Peace (India).

According to Vanaik, India will only put 14 of its 22 operating or planned civilian nuclear reactors under IAEA safeguards, which are meant to ensure that no nuclear material from them is diverted to military purposes. "But it can use the remaining eight reactors to produce as much plutonium as it likes for its weapons programme."

According to a report prepared by independent scientists and experts for the International Panel on Fissile Materials two years ago, these eight reactors alone can yield fuel for as many as 40 Nagasaki-type bombs every year.

In addition, India can produce more bomb fuel from its dedicated military nuclear facilities and fast-breeder reactors, which it can maintain and expand.

India accepts no limits or restrictions on the size of its nuclear arsenal and has an ambitious nuclear doctrine under which it continues to stockpile fissile material for weapons use.

The NSG has all but put its imprimatur on India's nuclear activities which would allow it to expand its arsenal of mass-destruction weapons and thus set a negative example for the rest of the world, in particular, wannabe atomic states.

In the process, says Daryl F. Kimball of the Arms Control Association (U.S.), the NSG has undermined "efforts to contain Iran's and North Korea's nuclear programmes, and it will make it nearly impossible to win support for much-needed measures to strengthen the NPT" at its next review conference due in 2010.

The waiver may weaken and harm the NPT itself by aiding the acquisition of nuclear weapons by a country not recognised by it as a nuclear weapons-state, which it explicitly prohibits. Effectively, it expands the Nuclear Club to include a member which has refused to sign the treaty.

Within the NSG, there was a great deal of resistance to the waiver. An earlier meeting of the group, on Aug. 21-22, failed to produce a consensus -- necessary for any decision to go through.

The resistance was led by six "like-minded" countries -- Austria, Ireland, the Netherlands, New Zealand, Norway and Switzerland -- which argued that India must accept three conditions in order to resume nuclear trade.

These included a periodic review of compliance with India's non-proliferation pledges, exclusion from trade of sensitive technologies such as uranium enrichment and spent fuel reprocessing, and cessation of nuclear commerce in case India tests.

In the event, India only accepted the first condition and doggedly refused to go beyond reiterating its unilateral moratorium on testing.

However, on the second day of the NSG meeting, Foreign Minister Mukherjee made a general statement saying that India is opposed to nuclear proliferation, does not subscribe to an arms race, and will behave responsibly as a nuclear weapons-state.

"The statement was inane and dishonest because India initiated and has sustained a nuclear arms race in South Asia," says M.V. Ramana from the Centre for Interdisciplinary Studies in the Environment and Development, Banagalore. "It is really a sad commentary on the state of debate at the NSG if such statements actually create what was described by the U.S. delegate as a 'positive momentum'..."

Eventually, the "positive result" in the form of the waiver was achieved after Mukherjee's statement effectively split the "like-minded" group and led to the desertion of the Netherlands, Norway and Switzerland on the evening of Sep. 5.

Behind the change was crude pressure, blackmail and induced fear of "isolation" on account of antagonising the "emerging power" that is India. The topmost leaders of the U.S., India and their allies worked the telephone lines to mount this pressure.

Kimball said that "it appears as if George Bush and his team engaged in some nasty threats, misinformation about positions, and intimidation, to wear down the core six members ... and their allies. You have to assume the conversations among foreign ministers, presidents, and prime ministers didn't focus on the policy and non-proliferation issues, but raw politics".

"Another factor," Kimball added, "was the role of Germany, ostensibly the NSG chair. At this meeting, the Germans apparently sat on their thumbs and let the Americans run the show and keep asking for more consultations despite the remaining differences. A more competent and less biased chair would have provided more balance and would have adjourned the meeting Friday night when it was clear there was still disagreement on some fundamental issues..."

China briefly emerged as a supporter of the Group of Six, when it asked that the waiver decision not be rushed. But, say Indian media reports, a critically timed telephone call from Bush to Chinese president Hu Jintao did the trick and China quickly fell in line.

"This was a triumph of crass power politics," says Vanaik. "It is sad and profoundly disturbing that nobody resisted U.S. or Indian pressure and stood up for elementary principles in a group where even a single member could have blocked the waiver. India's 'victory' is founded on crude muscle power and cynicism, and negates rational, democratic decision-making based on a commitment to making the world a safer place."

(*IPS correspondent Praful Bidwai is a noted peace activist and co-founder of the Movement in India for Nuclear Disarmament (MIND), based in New Delhi.)

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