

## Bulletin of the Atomic Scientists

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### A silver lining to the U.S.-India nuclear deal

BY PAVEL PODVIG | 14 OCTOBER 2008

The civilian nuclear cooperation deal between the United States and India, which President George W. Bush signed into law last week, has been controversial from the moment it was first outlined in New Delhi about three years ago. It would allow Washington to trade nuclear technology with New Delhi despite the fact that India is a de facto nuclear weapons state outside of the Nuclear Non-Proliferation Treaty (NPT).

Critics of the deal insist, fairly convincingly, that doing so would cause irreparable harm to the nonproliferation regime, leaving the non-nuclear weapon states that abide by the NPT to question what tangible benefits exist for dutifully assuming their treaty obligations and submitting to NPT restrictions. Conversely, supporters of the deal legitimately point out that the benefits of a good relationship between India and the United States outweigh any potential harm. As with most things, the truth is probably somewhere in the middle--it's unlikely that the nonproliferation regime would remain unscathed, but it's quite possible that the damage could be contained.

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A major sticking point for critics is that the deal actually makes it easier for India to continue producing fissile material for its nuclear weapons program by allowing New Delhi access to the world market in nuclear fuel for its power reactors, thereby freeing its scarce uranium resources for the production of weapons-usable plutonium in dedicated reactors that are exempt from any international safeguards. Moreover, India's breeder reactor program--another potential source of weapon-grade plutonium--is also free from safeguards. It's hardly encouraging that

India would have the capability to increase its stock of weapon materials, but in reality, this doesn't much matter--probably the main reason why India got away with keeping that capability. There seems to be a worldwide consensus that once New Delhi crossed the nuclear threshold, the amount of weapons in its arsenal is unimportant. In fact, in some important aspects this is exactly the case--beyond its symbolic value India's nuclear arsenal hardly provides any security for the country. Indeed, if the U.S.-India nuclear deal helps strengthen this understanding, it provides some silver lining to the nuclear arrangement's drawbacks.

The deal could also provide a much needed incentive for a critical review of some of the current nonproliferation regime's assumptions. One such assumption is implicit in Article VI of the NPT--nuclear weapon states and their close allies have control over nuclear technologies. This is still largely true for advanced commercially viable technologies, but the monopoly on weapon-relevant technology is firmly in the past. An idea that emerged during discussion of the U.S.-India nuclear deal was to ban the transfer of enrichment and reprocessing technologies to India, supposedly to limit its ability to ramp up production of weapon materials. Limiting production of weapon-grade materials is a reasonable goal, but if the only approach is to deny a country access to advanced centrifuges or reprocessing plants, that battle is already lost.

Similarly, much ink has been spilled over the effort to have India commit to a moratorium on nuclear testing as part of the deal. The intent behind the idea was certainly laudable. But if the threat of cutting off the supply of fuel for nuclear reactors is our best hope to prevent India from nuclear testing, the effort to prevent new nuclear tests is in big trouble.

Without a doubt, the U.S.-India nuclear deal presents a serious challenge to the NPT. But it also presents an opportunity to strengthening the regime and its most important, relevant elements. In particular, for all of its problems and challenges, the NPT has successfully established a norm that assumes that countries shouldn't have nuclear weapons. The official signing of the U.S.-India nuclear deal is a good time to remind New Delhi that if it wants to be a responsible partner in the nuclear trade, it must assume the obligations that come with this norm--even if India never signed the NPT. Of course, this would require the nuclear weapon states to get serious about their NPT obligations and responsibilities as well. And that's not such a bad thing either.

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