

Nuclear Issue - India

Dealing with India's nuclear weapons

By Michael Krepon

How much the Bush administration has weakened the global system designed to prevent further proliferation depends on whether India tests again and how much further IAEA and the NSG standards unravel.

THE global system designed to prevent and reverse proliferation was built on bedrock conservative principles. In designing this structure, US presidents have methodically sought to establish norms through treaties and laws that penalize proliferation and incentivize responsible behaviour.

Establishing rules against proliferation hasn't prevented rule breaking, but it has helped to isolate and penalize bad actors. The foundation of this structure was built around the 1968 Nonproliferation Treaty. Two of its key bulwarks are the International Atomic

Energy Agency, which carries out inspections at nuclear facilities, and the Nuclear Suppliers Group, which regulates commerce.

These bodies still have multiple weaknesses, but they have helped keep proliferation in check. True conservatives don't undermine institutions and norms that serve essential purposes without having something better to take their place. The Bush administration chose a different course to promote nuclear power plant construction in India. The profits and jobs created will go elsewhere - primarily to Russia and France - but the downside risks of placing profit taking ahead of nonproliferation principles could be far-reaching and widely shared.

One mark of the Nonproliferation Treaty's remarkable success is how much attention we rightly pay to the few countries that do not play by its rules. More than 180 countries faithfully abide

by the NPT's legal framework. IAEA inspection teams carried out more than 1,700 inspections at nuclear facilities last year alone, and regulations against nuclear commerce that could result in proliferation have been systematically

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toughened. One critical protection against proliferation is the IAEA's principle that safeguards are to be placed in perpetuity on nuclear facilities subject to inspection. Another is the NSG's principle that nuclear suppliers should operate

by consensus before changing the rules of nuclear commerce.

The consensus rule has made the NSG the world's most unusual cartel, designed to prevent profit taking when proliferation would likely result. The

Bush administration has bent these fundamental principles out of shape in lobbying the IAEA and the NSG to change the rules on India's behalf. There is no mention of the word "perpetuity" for safeguards in India, and

New Delhi has consistently asserted that safeguards would be lifted if there are disruptions in foreign fuel supplies at power plants. The primary reason for disruption would be a resumption of nuclear testing by India. Moreover, the Bush administration has stood the NSG's consensus rule on its head: Now consensus will be required to stop nuclear commerce with India. Russian and French firms will reap most of the benefits of these rule changes because they have very little US competition. Westinghouse's nuclear power division has been purchased by Toshiba, and GE will be constrained from building nuclear power plants in India unless New Delhi enacts liability waivers against costly accidents.

This will not be easy because Indian politicians have long memories of the terrible industrial accident that killed perhaps 20,000 living around a Union Carbide plant in Bhopal in 1984.

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The net consequences of these rule changes are not hard to predict: If and when India resumes nuclear testing, Russia and France will argue that fuel supplies (and profits) must continue to keep Indian power plants under safeguards. Profit taking is likely to trump nonproliferation, despite the clear legislative intent of the US Congress, which, in passing the Hyde Act, set conditions designed to make it harder for India to resume nuclear testing.

It's a bad idea to tilt the playing field in the direction of renewed nuclear testing, especially when making the IAEA and the NSG accomplices to this act. How much the Bush administration has weakened the global system designed to prevent further horizontal and vertical proliferation depends on whether India tests again and how much further IAEA and the NSG standards unravel. It will be challenging to confine the profit motive in troubling cases to just one country.

India has tested a hydrogen bomb design only once, and it is very hard for any state to certify this capability after a single test, which may not have been fully successful. If India tests again to develop more compact, powerful nuclear weapons, Pakistan will almost surely follow suit, as may other states. China, India and Pakistan will then find more reason to ramp up their nuclear forces.

Bringing India into the mainstream of nuclear nonproliferation is essential. The crux of the problem is how to do so in ways that reinforce, rather than undermine the conservative principles underlying the global nonproliferation system. The Bush administration hasn't come remotely close to meeting this test.

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