

The India-US nuclear

By MR Srinivasan

The US has agreed to Euratom and Japan reprocessing spent fuel of US origin but India cannot understand why it is being denied this right

ACCORDING to reports emanating from Washington, Under Secretary of State Nicholas Burns told a meeting of the Heritage Foundation on "US-India Relations: the Road Ahead," in the last week of May 2007, that "I think an adjustment needs to be made, perhaps psychologically, from a time when India was completely isolated in developing its own nuclear potential to a time now with what the Hyde Act and Nuclear Suppliers Group will provide for India." He went on to say: "People on both sides of the equation in India and in the Department of Atomic Energy as well as my own government and other governments, need to adjust to this new world — that means compromise, it means that may be what you did in isolation will not be the same as what you would do in a more integrated world, where India is working with the rest of the international community for civilian nuclear power."

Finally he added, "May be, some of the problems we have had working out the final small details in this agreement, you are seeing the intersection of a prior world of isolation with this future world of integration, and I would hope there would be an open mind on the part of everyone in the Indian Government as well as our own government, to see that

we make this transition together."

For the sake of record, it must be noted that India was cooperating on peaceful uses of atomic energy, from the start of the programme in the mid-1950s, with France, the United Kingdom, Canada, the United States, the Soviet Union, Germany, and others. This cooperation continued for two or three decades. After the Pokhran-I test of 1974, it was the US that devised a whole network of policies that led to India's total isolation in the nuclear energy field from about 1980 onwards. It must be noted that in 1968 itself, India rejected the Nuclear Non-Proliferation Treaty sponsored by the US, the UK, and the Soviet Union as highly discriminatory and refused to join it. The isolation that Under Secretary Burns talks about was not something India opted for on its own volition; it was imposed largely through the instrumentality of US policies. The Indian nuclear establishment has no vested interest in continuing to live in the world of isolation and has cooperated with other countries wherever it can, and especially through the International Atomic Energy Agency. It is as keen as our American friends are to work with the international community to develop safe and economic nuclear energy for use globally in an era where there is a great need for non-carbon sources of energy.

Mr Burns has described the persisting differences between India and the US on the 123 Agreement as "final small details," and certainly he has a sardonic sense of sardonic humour! The first issue of contention is the question of

India conducting a test in future. While India has a voluntary moratorium on tests from 1998, this is obviously contingent on existing conditions continuing. If the US itself were to test in the context of developing a reliable replacement warhead or China, Pakistan or another country were to test, then clearly India cannot be expected to continue its moratorium. The present US legislation (the Hyde Act) calls for immediate suspension of future cooperation and return to the US of the reactor

as a de facto nuclear weapon state, in this matter. The Indian negotiators have all along told their US counterparts that the voluntary moratorium cannot be converted into a binding legal obligation through the 123 Agreement.

The second issue relates to India's right to reprocess spent fuel. The international nuclear community and our US friends are well aware of the three-stage nuclear energy programme enunciated by Homi Bhabha as early as 1955, when he presided over the first UN

India has already made all the compromises it and cannot make any more at this stage. The has to find a way to accommodate fully agree India in July 2005 and March 2006. If the only amend the Hyde Act, then the US should pl than ask India to make any more co

installations and spent fuel (however impractical) and unused new fuel. There are provisions for a Presidential waiver, Congressional intervention, Presidential veto and a further two-thirds vote in the US Congress (House of Representatives and Senate) to permit cooperation. Clearly India cannot put its trust in the goodwill of a future US President and Congress to come to its rescue.

There was a way out for the US and that was to have provided for a permanent waiver, which applies in case of a nuclear weapon state. In other words, the US would have to treat India

Conference on Peaceful Uses of Atomic Energy in Geneva. All successive leaders of the Indian programme have continued to support this strategy, which has, as its ultimate objective, the goal of exploiting the energy potential of the vast thorium reserves in India. This objective will require India to build a large number of fast-breeder reactors in the second stage and then build reactors fuelled with U-233 and thorium. Reprocessing of spent fuel is an essential step in this chain of activities. India has been reprocessing spent fuel for over four decades, although initially on a small scale.

ar stalemate

If we accept the present US position, India will be able to build only light water reactors fuelled with enriched uranium (imported) and then store the spent fuel indefinitely. In the process, the fuel value of the spent fuel will remain dormant; apart from this, there will be costs and risks involved in such long term storage of highly radioactive material. In addition, the total energy potential of global uranium reserves will be very limited if it were to be used in this 'once-through' mode without recycling. The US

it could make upfront
The US administration
reements reached with
only way to do so is to
plan to do so rather
compromises

has agreed to Euratom and Japan reprocessing spent fuel of US origin and, hence, India cannot understand why it is being denied this right.

In March 2006, an important question that came up was the US insistence that safeguards would apply in perpetuity on reactor installations or fuel imported by India from members of the Nuclear Suppliers Group. India insisted that it could accept the condition of 'safeguards in-perpetuity' only if there was an assurance of fuel supply for the life of the reactors. The US agreed that India could build up a stockpile of fuel to

tide over supply uncertainties. The US also agreed to work with friendly countries such as France and Russia if, under some future contingencies, normal supply arrangements were disrupted. This agreement will get totally nullified if the US insists on the provisions of the Hyde Act, which provide for suspension of cooperation following a test and recall of fuel supplied earlier. More specifically, it will be unrealistic to expect investors to finance nuclear power stations if there is no committed supply of fuel.

There is a body of opinion in India that feels a new era in India-US relations has begun and that the nuclear deal should be seen in the context of a larger strategic partnership that could benefit both countries. They also take the view that bilateral relations in the past were conditioned by the Cold War, and that the time has now come when we can accept in good faith the US commitment to work with India on a wide range of matters, to mutual benefit. They emphasise the fact that the US and India share traditions of democracy, managing multi-religious, and multi-ethnic societies, respect for human rights, and the rule of law. Notwithstanding these commonalities, relations between sovereign countries cannot be based on sentiments; they have to be based on agreements and treaties that bind the future leadership of the countries. We have to keep in mind past experiences and not merely be guided by new hopes.

When the Hyde Act was passed by the US Congress, this writer wrote two articles in *The Hindu* — on December 14, 2006, under the title "India may lose

control of its nuclear future" and again on December 27, 2006, under the title "Remember lessons from Tarapur." On December 15, 2006, a group of former nuclear scientists, including three former AEC chairmen (the author being one of them) met the present chairman Dr. Anil Kakodkar and conveyed to him that the Hyde Act contained many objectionable clauses and did not accommodate the assurances given by the Prime Minister to Parliament on August 17, 2006.

Officials of the Government of India have been stating that the 123 Agreement would be fully in compliance with the agreements of July 2005 and March 2006 between Prime Minister Manmohan Singh and President Bush. As the tortuous negotiations of the 123 Agreement show, it is clear the US has no intention of going beyond the bounds of the Hyde Act, a possibility the scientists had clearly foreseen. Under Secretary Burns is suggesting that India make compromises to enable conclusion of the Agreement.

The fact is India has already made all the compromises it could make upfront and cannot make any more at this stage. The US administration has to find a way to accommodate fully agreements reached with India in July 2005 and March 2006. If the only way to do so is to amend the Hyde Act, then the US should plan to do so rather than ask India to make any more compromises. **COURTESY THE HINDU**

The writer is a former Chairman of the Atomic Energy Commission and presently member of the AEC