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## The U.S.-India Nuclear Deal: Six Reasons Why America Can Wait

Frankie Sturm, Truman National Security Project

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**T**hanks to three years of painstaking negotiations, the Bush administration is within reach of securing a major nuclear agreement with India. If the deal goes through, the United States will be able to sell civilian nuclear technology and fuel to India, while the Indian government will open itself to international inspections of fourteen civilian nuclear facilities—though its military nuclear facilities will remain off limits. The terms of the deal have passed the Indian parliament, the International Atomic Energy Agency (IAEA), and the Nuclear Suppliers Group (NSG). The only hurdle left for the nuclear deal to clear is the United States Congress.

### Do Not Rush This Decision

Although the Bush administration is pushing to pass the nuclear deal as quickly as possible, Congress must resist the urge to act with haste. Building a strong relationship with India should indeed be a U.S. priority. The Bush administration deserves credit for working to deepen that relationship. The United States and India are already forging a strategic relationship built around countering terrorism, promoting open markets, and preventing the domination of Asia by any one nation, particularly China. While the U.S.-India nuclear deal may help improve this relationship, it deserves deep consideration, not fast action. The potential downsides of the deal – primarily the spread of nuclear weapons and possible nuclear war between India and Pakistan – are so devastatingly catastrophic

**1.) Passing the agreement will not fundamentally alter U.S.-India relations in the short or medium term.**

**2.) The deal could negatively impact U.S. relations with Pakistan.**

**3.) India can still produce bomb-making material, expand its nuclear arsenal, and conduct nuclear testing.**

**4.) There is no automatic punishment for India if it breaks its voluntary moratorium on nuclear testing.**

**5.) Preventing nuclear proliferation trumps a good business opportunity.**

**6.) Securing a nuclear deal under a new President and a new Congress will put U.S.-India relations on a firmer foundation.**

to America's national security that Congress must wait until the passions of the election season have passed to consider the agreement with cool heads and ample time to analyze the facts.

Proponents of the deal plausibly argue that the existing non-proliferation regime, which is based on the Nuclear Non-Proliferation Treaty (NPT), may not be sufficient to curb proliferation in the 21<sup>st</sup> century. While some kind of nuclear agreement with India might represent a creative way to reinvigorate the non-proliferation regime, it does not follow



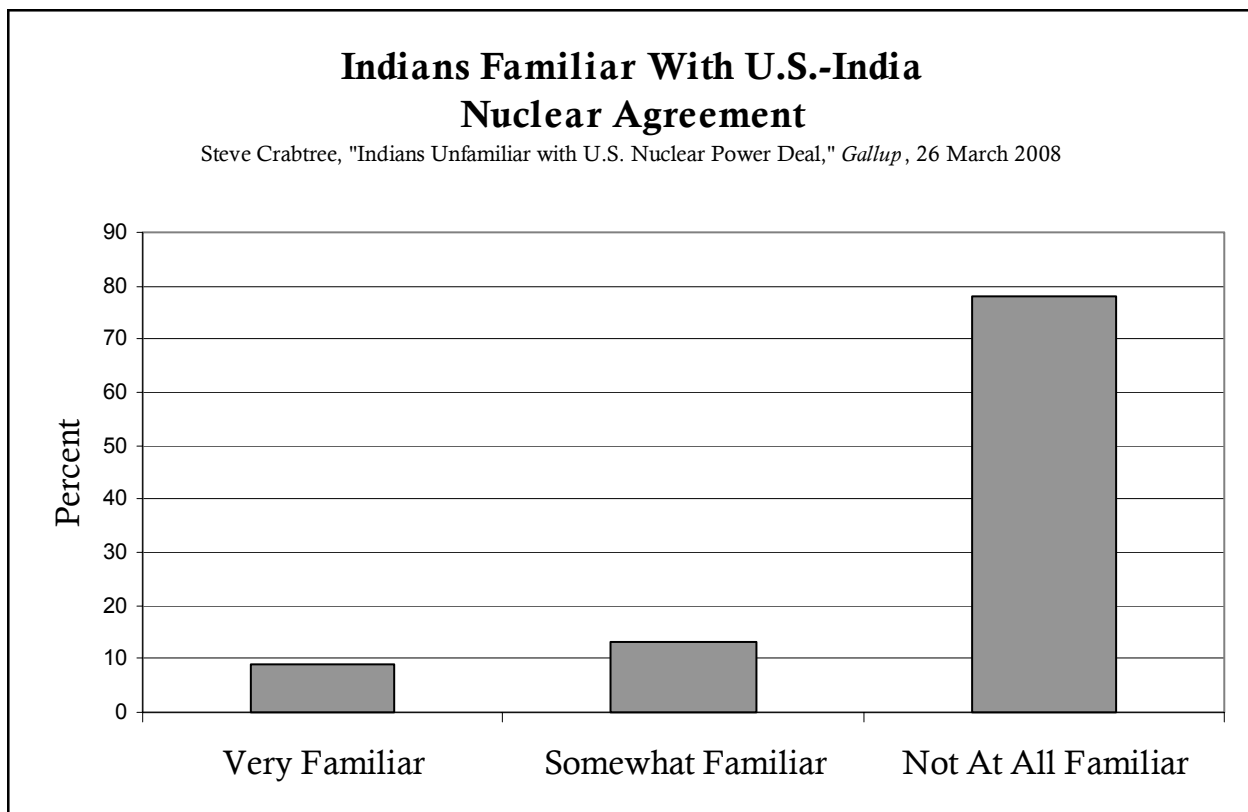
that the specifics of the current deal will do so. That is exactly the question Congress must debate openly and honestly. While President Bush understandably wants to pass the deal before leaving office, the spread of nuclear weapons and threat of nuclear war is too high a price to pay for his legacy shopping. Here are six reasons why the United States can and should wait to take action on the nuclear deal until a new President and a new Congress take office in January 2009.

**1.) Passing the agreement will not fundamentally alter U.S.-India relations in the short or medium term.** Many Indians are actually opposed to the nuclear deal, so it is unclear that postponing a final vote will profoundly affect U.S.-India relations at all. In fact, as of March, nearly 80% of the Indian people had not even heard of the agreement!<sup>1</sup> In a more recent parliamentary vote of confidence that was widely seen as a referendum on the pro-nuclear deal policy of Prime Minister Manmohan Singh's ruling coalition, the government narrowly survived the vote by a margin of 275 to 256.<sup>2</sup> Public pressure in India to adopt the nuclear deal within the next three months does not exist, which means the deal can certainly wait. The United States and India share democratic values and strategic interests. They will continue to deepen their relationship whether

Congress votes on the nuclear deal in 2008 or in 2009. Furthermore, passing the deal will not resolve outstanding disagreements between the United States and India. The United States is gravely concerned with Iran's nuclear program. India is not. The United States wants to isolate the military junta in Myanmar, while India is deepening both political and economic ties with the repressive government. The nuclear deal is powerless to navigate these impasses. Time is simply not of the essence in our relationship with India.

**2.) The deal could negatively impact U.S. relations with Pakistan.** During the Cold War, the United States leaned towards anti-Soviet Pakistan and away from non-aligned India. In today's world, it is important to rebalance these relationships and build a stronger bond with democratic, economically robust India. However, the war against al Qaeda will be won or lost in Pakistan. Come what may regarding the nuclear deal, the United States and India will continue to enjoy close relations based on both interests and values. The same cannot be said of the United States' relationship with Pakistan.

Although most Pakistanis are hostile to the extremism of al Qaeda and the Taliban (polling in January found that 81% of Pakistanis did not support the





Taliban<sup>3</sup>), Pakistanis are deeply skeptical of the United States' motives – approximately 75% believe the “War on Terror” is designed to weaken the Muslim world and dominate Pakistan.<sup>4</sup> With a shaky economy, an unstable government, a nuclear arsenal, and the resurgence of al Qaeda and Taliban fighters in the northwest, the consolidation of democracy and economic development in Pakistan is absolutely essential to winning the fight against terrorism and ensuring America's national security. Giving Pakistan's bitter rival a nuclear “get out of jail free” card could so anger the people of Pakistan that its already wobbly government will not be able to pursue needed economic and political reforms, not to mention aggressively work to root out al Qaeda and Taliban fighters in Pakistan's tribal regions. Deepening our relationship with India is important. Defeating al Qaeda and the Taliban in Pakistan is essential. We must be willing to put the nuclear deal on hold if it will aid our efforts to destroy Islamic extremism in Pakistan.

**3.) India can still produce bomb-making material, expand its nuclear arsenal, and conduct nuclear testing.**

India has promised to work towards negotiating a Fissile Material Cutoff Treaty (FMCT) that would ban the production of fissile material for weapons purposes, but it has not yet finalized the deal. India claims that it will not use new access to civilian nuclear technology to divert more resources to its nuclear arsenal, but it also claimed to be pursuing nuclear power for peaceful purposes before conducting its first nuclear weapons tests in 1974. India also claims that it will abide by a voluntary moratorium on nuclear testing, but India's underground nuclear weapons tests in 1998 nearly sparked a war with neighboring Pakistan. Unless India can prove to the world – and its nervous, nuclear-armed Pakistani neighbor – that it is abiding by its commitments, perhaps by allowing inspections of its military nuclear facilities, the risk of an arms race or nuclear war remains. The danger of that risk may outweigh the benefits of the nuclear deal.

**4.) There is no automatic punishment for India if it breaks its voluntary moratorium on nuclear testing.**

India has an impressive track record on non-proliferation. It has refrained from selling nuclear technology to other countries and placed voluntary safeguards on its nuclear program that largely conform to NSG standards. It has also voluntarily abided by a self-imposed moratorium on nuclear testing for a decade. These are all reasons to be more sanguine about India's nuclear program. However, the agreement as negotiated leaves India free to

break its moratorium on tests with no consequences, while most countries face restrictions on nuclear sales from the international Nuclear Suppliers Group if they engage in testing. This is simply poor deal-making, and might throw a wrench in relations with Pakistan that harms American interests in that volatile country.

**5.) Preventing nuclear proliferation trumps a good business opportunity.**

Part of the nuclear agreement involves lifting a ban that prohibits U.S. companies from doing business in India's nuclear sector. In a remarkable act of short-sightedness, the Bush administration and Congress managed to create the worst of all possible worlds. By leaning hard on the NSG to lift the nuclear restriction on India, every country in the world now has the right to sell civilian nuclear technology to India – except the United States. Without congressional approval, U.S. businesses are barred from competing in the lucrative Indian market. Companies in other countries, such as Russia and France, do not face the same restrictions. In that sense, the cat may already be out of the bag.

If companies around the world start signing deals to develop India's nuclear infrastructure in the coming months, the dangers of proliferation and nuclear war will already be foregone conclusions, so withholding congressional approval would do nothing but place unfair restrictions on American companies. However, even if there is only a small chance that the United States can work with the NSG to place an automatic freeze on nuclear transfers to India if India reneges on its pledges, it is worth a shot given the high stakes. Although we can sympathize with U.S. companies that will suffer an unfair disadvantage in the short-term, the U.S. nuclear industry is so advanced that India will happily welcome American companies if the agreement passes Congress next year. A few months of unfair competition is a price worth paying if it helps avoid an Asian arms race or a nuclear conflict.

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**6.) Securing a nuclear deal under a new President and a new Congress will put U.S.-India relations on a firmer foundation.** Even if we determine that this nuclear agreement is unequivocally good for the United States, we are better off waiting for a new President and a new Congress to take office to sign it. Why? Because a bipartisan deal that spans multiple presidential administrations and Congresses will put U.S.-India relations on a firmer, more long-lasting foundation. International relations is a tough business, and Americans are already deeply divided over a host of foreign policy issues – Iraq, Iran, North Korea, terrorism, pre-emption, etc. Our relationship with India should be built to last, which requires a consensus, not a policy that blows hot or cold with each election season. Politicizing the deal will cost us the trust of the Indian nation, regardless of the outcome. Informed debate and sound policy will help build the relationship we want.

### Count to Ten

India would like to see a U.S. vote on the nuclear deal before it stages its own elections in spring 2009, but the United States has nothing to lose by waiting until January or February to take action. On the other hand, we have a great deal to lose by hastily passing a major international agreement. By voting on the issue during the U.S. election season, Republicans will be tempted to pass it to cement President Bush's legacy, just as Democrats will be tempted to reject it to deny the Republicans a victory. Neither temptation is acceptable. Whether the nuclear deal deserves to pass the United States Congress is a question worth debating. We owe it to our nation's security – and to the world's stability – to have that debate when we have the time and the clear minds to focus on it. America can wait.

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 Telephone: 202-216-9723  
 Fax: 202-682-1818  
[info@trumanproject.org](mailto:info@trumanproject.org)

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### End Notes

- 1.) Steve Crabtree, "Indians Unfamiliar With U.S. Nuclear Power Deal," *Gallup*, 26 March 2008.
- 2.) Somini Sengupta, "Indian Government Survives Confidence Vote," *New York Times*, 23 July 2008.
- 3.) Terror Free Tomorrow, "Results of a New Nationwide Public Opinion Survey of Pakistan before the February 18<sup>th</sup> Elections," 2008.
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