'Done Deal' Dangerous Precedent: Dare to Follow?

Naeem Salik

The US Congress finally passed the controversial US-India nuclear deal recently, setting aside procedural requirements such as the 30-day consideration period to get the Bill through before the congressional recess leading up to the presidential elections. However, due to broad bipartisan support for the deal, it would surely have passed muster in Congress even after the inauguration of a new Administration and irrespective of which party won the White House.

The Bush Administration wanted to close the deal during its tenure as one of its crowning achievements. President George W Bush himself and Secretary Condoleezza Rice personally invested much political capital in the deal and Under Secretary Nicholas Burns, the Administration's point man steering the deal through its many ups and down, appeared to have made it a matter of personal prestige. Throughout this process, Burns had the benefit of the advice of Ashley Tellis, an Indian-American scholar who originally scripted this deal along with Robert Blackwill, the erstwhile US ambassador to India.

The implications of the deal started unfolding even before Secretary Rice left for India for the formal signing ceremony. Prime Minister Manmohan Singh, during his visit to Paris, inked a landmark nuclear cooperation pact with President Nicolas Sarkozy of France, paving the way for the sale of French nuclear plants to India. It is already becoming evident that France is going to claim the lion's share of the likely US$100 billion Indian nuclear market. It will probably be followed closely by Russia, and the US industry would be, in all likelihood, a distant third.

What, then, impelled the US to invest so much political and diplomatic capital in the deal? It is a known fact that the US nuclear industry has been redundant for the last 30 years and has to shake itself up and dust off its

Brigadier **Naeem Salik** (Retd) is a security analyst based in Islamabad.

assembly lines. The US defence industry, especially major corporations like Boeing and Lockheed Martin, are, thus, eyeing lucrative contracts to sell advanced fighter aircraft to India. But the more significant dividends would come through strategic gains, keeping in mind that the civil nuclear cooperation agreement is the logical corollary to India's Next Steps in Strategic Partnership (NSSP) with the US initiated by the Bharatiya Janata Party (BJP) government in India. The NSSP encompasses many other critical areas such as sharing of space and other cutting edge technologies. The whole package, once fully realised, will have far-reaching implications for not only the South Asian region but for the Asian security architecture as well. For the purpose of this article, however, we will confine ourselves to the repercussions of the civil nuclear cooperation agreement between India and the United States.

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Pakistan's nuclear policy had always been closely linked with India's and a dyadic nuclear relationship had come to exist between the two countries for over three decades. Pakistan had made it clear on numerous occasions that while it was willing to sign the nuclear Non-Proliferation Treaty (NPT) simultaneously with India, it would not commit suicide by unilaterally signing away its nuclear option. This Pakistani approach yielded some positive dividends by increasing international pressure on India's nuclear development while, at the same time, restraining India's nuclear decision-making. This was especially true with regards to Indian decision-making related to further nuclear testing after its lone nuclear test in May 1974. It not only served the non-proliferation regime by holding India back on its ambition but also indirectly served Chinese geo-strategic interests by containing India and not letting it grow out of the South Asian security complex to challenge Beijing. The US-India nuclear deal has effectively severed this link by making exceptions for India and treating Pakistan differently. This factor alone is likely to have many serious consequences.

Firstly, Pakistan would be forced to rethink the rationale for its nuclear programme independently of India. It may be noted here that Pakistan has declared on several occasions in unambiguous terms in the post-1998 period that its nuclear policy is "India-centric". That was actually a positive signal,

indicating that Pakistan's nuclear ambitions are very limited and are driven only by the security threat emanating from India which, when combined with the declaratory policy of "minimum deterrence", meant that it could live with a modest sized nuclear arsenal and did not need delivery systems with ranges extending beyond the geographical confines of South Asia. With this clear linkage gone, and searching for a "non-India-centric" nuclear policy, Pakistan could well feel the need for something more than a minimum nuclear deterrent.

Secondly, though the agreement has been touted as a civil nuclear cooperation agreement, its possible effects on the quantitative as well as qualitative improvement in India's military nuclear capability painstakingly downplayed, any perceptive mind can understand that it has substantial potential for boosting India's fissile material production.

A few simple facts would illustrate this conclusively: India is currently faced with an acute shortage of domestic uranium resources and its annual production of uranium fuel, hovering around 300 tons, is not sufficient to support both its power and military nuclear programmes. The agreement allows India to import nuclear fuel for its safeguarded facilities and even create a strategic reserve of nuclear fuel which means that its domestic uranium would be freed up for fissile material production. India has also been allowed to keep 8 of its Candu type nuclear power plants with 220 MW capacity each outside of International Atomic Energy Agency (IAEA) safeguards along with the breeder reactors. These reactors could be directly assigned to produce fissile material or used to pile up fuel for the fast breeder reactors. Either way, they would exponentially increase India's fissile material stocks. Should that happen, Indians may start feeling – and there have been statements to that effect by some Indian analysts in the past – that they now enjoy an overwhelming advantage in nuclear forces vis-à-vis Pakistan besides their existing superiority in conventional forces. This could greatly increase the proclivity for risk-taking, thereby, badly eroding the existing deterrence equation in the region.

Given the action-reaction syndrome that has dominated the India-Pakistan relationship in the past, Pakistan is not going to sit idly by; it will take measures which it deems necessary to restore the credibility of its deterrence. This, in turn, could lead to a dangerous arms race in South Asia.

Thirdly, on India's insistence, the 123 Agreement did not impose any restrictions on further nuclear testing by India. This clearly contravenes the spirit of the Hyde Act. Nicholas Burns, in a public statement, said that it is

India's sovereign right to test; more recently, the US Ambassador to New Delhi Mr Mulford echoed that sentiment. However, while conceding the sovereign right of nuclear testing to India, he forgot that there are other sovereign states in India's neighbourhood with similar sovereign rights. India's Minister for External Affairs, Pranab Mukerjee, in an interestingly worded statement clearly aimed at Pakistan said that "India has the right to test and others have the right to react", in a way daring Pakistan to respond to any future Indian test and face the consequences, probably alone this time around, since India has been granted the licence to test by the US.

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Again this is a short-sighted approach on the part of India as well as the US since any testing in India will not only be responded to by Pakistan but would trigger responses from other nuclear powers that are currently observing a moratorium on nuclear testing, signalling the ultimate demise of the Comprehensive Test Ban Treaty (CTBT). Fourthly, the ostensible purpose behind de-hyphenating the Pakistani and Indian nuclear relationship is to free India of all the shackles that have prevented it from directly challenging China. Tellis, for instance, has argued very enthusiastically that an expansion in India's nuclear arsenal should not been be viewed by the US as a negative development and the US should, in fact, actively assist India in building up a nuclear arsenal to match China's.

If this line of argument is followed as a policy prescription, China is bound to react in its own way to maintain its premier position in the Asian security structure and stay a step ahead of India. Should such a situation develop, it will again contain the seeds of a dangerous nuclear competition between the two Asian giants with its spill-over effects reaching far beyond their immediate neighbourhood. All these scenarios do not augur well for peace and security – already scarce commodities in the regions of South, Southwest and Southeast Asia. With a sizeable US and North Atlantic Treaty Organisation (NATO) military presence in the region and a resurgent Russia trying to reassert its influence, at least in its immediate neighbourhood, the situation is fraught with serious consequences and needs some serious contemplation.

The Bush Administration is on its way out. But some recent statements by US presidential hopefuls and their running mates do not inspire much confidence. Unfortunately, there seems to be little consciousness of the widespread repercussions of what the US does or does not do. Other issues aside, the arbitrariness with which IAEA and Nuclear Suppliers Group (NSG) rules have been swept aside and the manner in which dissenting states have been arm-twisted by the US have caused irreversible harm to the non-proliferation regime. At the minimum, it has set a dangerous precedence which others may also dare to follow in the future.

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