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When the Nuclear Suppliers Group meets on September 5, it will face the choice of either seeking the path of co-operation with India or continuing on the path of nuclear denial and confrontation. The decision could have important consequences for the NSG and for India and its potential nuclear co-operation partners, says BHASKAR BALAKRISHNAN



View of an operation in progress at the Indra Gandhi Centre for Atomic Research at Kalpakkam... Policy-makers must prepare for the difficult days ahead, if the NSG does not approve the waiver. — K. V. Srinivasan

The proposal for exemption to India for civil nuclear commerce has expectedly run into delays in the 45-member Nuclear Suppliers Group (NSG). The NSG is finding it difficult to reach consensus on the text of a waiver for India. Here's a look at some of the key factors behind this process.

First, the top priority for the NSG is to check horizontal proliferation of nuclear weapons and capability. Indeed, this is evident from the history of the NSG, starting from its creation as a reaction to India's nuclear explosion of 1975. The issue of promotion or facilitation of civilian nuclear commerce, or a peaceful use of nuclear technology, is secondary.

The NSG focuses only on one facet of the Non-Proliferation Treaty (NPT), the control of horizontal proliferation, while it does not address the NPT's other objectives of checking vertical proliferation and access to nuclear technology for peaceful purposes. Claims of some countries regarding the NSG's role in strengthening the NPT regime are, at best, only partially justified. The NSG is, in reality, the key component of a discriminatory nuclear technology regime, and its role and functioning need reassessment.

Second, the NSG is divided among those countries that have substantial nuclear technology and industrial capability, such as the US, France and Russia, and those that have little or no interest in civilian nuclear commerce with India.

Of the 45 members of the NSG, most are in the latter category. Their only interest in the NSG is in promoting the NPT and Comprehensive Test Ban Treaty (CTBT), which they have accepted due to various security assurances. Many have developed a phobia for nuclear energy post-Chernobyl, and have not yet recovered from it.

Peaceful purposes

Third, it is important to note that the NSG is a voluntary group, and its decisions are not legally binding on its members. Thus, it would be possible for a member-state that is fully convinced of India's *bona fide* civilian nuclear needs, to engage in nuclear commerce with India.

This would be a rather extreme step, but would seem reasonable if it becomes clear that some NSG members with no interest in civil nuclear co-operation with India, are adopting an obstructionist approach, and indeed the NSG becomes a barrier to the exploitation of nuclear technology for peaceful purposes. Russia, for example has, in the past, gone ahead with nuclear cooperation despite the NSG. China also extended civil nuclear co-operation to Pakistan despite the NSG, though later it tried to justify the deal by backdating it before its entry into the NSG.

Fourth, it is argued that the India waiver would set a precedent for other countries. This argument is false, as the waiver is specific and unique to India, and takes into account India's past record on safeguards against leakage of sensitive technology and materials, and responsible use of nuclear resources, and its technical capability.

If another country applies to the NSG, the NSG will have to consider all these aspects and arrive at a decision. India's case cannot simply be extended to other situations. This is similar, for example, to the case of Kosovo, where many western countries argued that it was a unique situation, not extendable to other situations elsewhere.

China stand

The position of China is ambivalent. On the one hand, it would not like to oppose India's civilian nuclear needs and drive it into a closer relationship with the US.

On the other hand, the military establishment in China would, no doubt, harbour apprehensions that opening up civilian nuclear commerce for India could release resources for India's strategic programme and possibly challenge Chinese military ambitions.

It is in this light that a commentary in the semi-official *People's Daily* on September 1 has attacked the deal, stating: "Whether it is motivated by geopolitical considerations or commercial interests, the US-India nuclear agreement has constituted a major blow to the international non-proliferation regime." Therefore the Chinese position cannot be expected to be positive.

Critics of the deal argue that opening up civil nuclear commerce for India will enable the latter to release more resources for its strategic programme. But they should pause to consider the consequences of a failure of the deal. If the deal breaks down, a much larger part of India's nuclear programme (barring a few of the reactors under safeguards arrangements) could be available for strategic purposes. Indeed, already, the placing of a major part of India's nuclear programme under international safeguards has generated considerable domestic political opposition.

If the nuclear deal falls through, India would be forced to accelerate its indigenous civil and strategic nuclear programme. While this may involve some higher costs and sacrifices, it would have the advantage of complete independence and autonomy from external pressures.

Self-reliance

No one should underestimate India's determination and national capability to pursue its own nuclear energy development. Indeed, domestic political pressures on India to assert its capability and self-reliance would increase.

Political parties with a strong nationalistic and security agenda would be strengthened, and political consensus in favour of autonomous and indigenous development as the only remaining option would be likely.

India as a non-member of the NSG would also be free to engage in civil nuclear commerce with other countries, thereby weakening the NSG regime. The long-term implications of continuing with the failed 30-year policy of nuclear sanctions against India should be quite apparent.

A strong and clear message regarding India's determination to go ahead with its nuclear programme regardless of the NSG decision, could have an impact on the NSG and help supporters of the waiver. Also, some bilateral arm-twisting and use of economic leverage on the countries raising objections should be undertaken.

Countries that have supported the waiver at the NSG should be given some benefits in terms of bilateral relations. A carrot-and-stick policy, used often by major powers to further their interests, is clearly in order.

Thus, when the NSG meets on September 5, it will face a critical choice — either to seek the path of co-operation and dialogue with India, or to continue on the path of nuclear denial and confrontation that has failed to yield results for the past three decades.

A wrong choice could have important consequences for the NSG as well as for India and its potential nuclear co-operation partners. Indian policy-makers must prepare for the difficult days ahead, if the NSG does not approve the waiver.

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