

Testimony of Robert L. Gallucci
Dean of the Edmund A. Walsh School of Foreign Service
Georgetown University
Before the Senate Foreign Relations Committee
26 April 2006

The Proposed US - India Nuclear Deal

In this brief statement, I wish to make only three points. The first is that those who advocate making this special arrangements to permit nuclear cooperation with India ought to be clear - - and honest - - about why they are doing so. The second is that the reasons for making the particular deal they propose, while important, do not justify the cost to the national security of doing so. And third, that there is an arrangement which would, in fact, strike the right balance between competing national security interests, an arrangement that may be negotiable at some future time, if not now.

The United States has good reasons for improving its relations with India, both political and economic. Part of the calculation must turn on our uncertainties about China, about whether Beijing will turn out to be more of a strategic competitor than partner in the decades ahead. If internal developments in China do not proceed as we hope, and if Chinese foreign policy turns out to be more hegemonic than we expect, a solid political relationship with India could be important to our security. Moreover, independent of such considerations, India's enormous and growing economic and political importance make the improvement of relations with New Delhi a prudent objective for the United States.

If this is obvious, so also is the chronic irritant that our non-proliferation policy has been to US - India relations over the last thirty years. We should acknowledge the importance that

India attaches to American willingness to change that policy so that the United States can begin to sell it nuclear equipment, material and technology. We should also admit that the proposed deal would grant what New Delhi values most, namely our acceptance of India as a nuclear weapons state. And while we are at it, we should admit that although the deal would be critically important to our goal of improving relations with India, it will really do nothing to help us deal with the risks posed by the proliferation of nuclear weapons. Assertions to the contrary are less than honest.

There is no reason why we should attach any positive value to India's willingness to submit a few additional nuclear facilities of its choosing to international safeguards, so long as other fissile material producing facilities are free from safeguards. This move has been called "symbolic" by critics, but it is not at all clear what useful purpose it symbolizes. The other elements of the deal that are supposed to contribute to its non-proliferation value were in place before the deal was struck. The first point then, is that the Administration proposes this deal to address a genuine regional security objective and not because it helps in any way our global security concern over nuclear proliferation.

The second point is that the proposed arrangement will be too costly to the national security to be justified by the gain in relations with India.

Since the dawn of the nuclear age and the arrival of intercontinental ballistic missiles, our nation has been defenseless against devastating attack - - leaving us to rely on deterrence, the promise of retaliation, to deal with nuclear armed enemies. From the beginning, we recognized

that this left us vulnerable to anyone who could not be deterred, and so, in some basic way, our security depended on limiting the number of countries who ultimately acquired nuclear weapons. Most analysts believe that fifty years of non-proliferation policy has something to do with explaining why the spread of nuclear technology has not led to the proliferation of nuclear weapons, why we live in a world of eight or nine nuclear weapons states, rather than eighty or ninety. A key part of that policy has been our support for an international norm captured in the very nearly universally adhered to Nuclear Non-Proliferation Treaty (NPT). The norm is simple: in the interest of international security, no more states should acquire nuclear weapons. There are many provisions in the treaty and details to be understood to fully appreciate the norm, but that is its essence. Certainly the fact that we have eight or nine states with nuclear weapons rather than only the original five, means that the norm has not held perfectly well. But it has had substantial force in the face of widespread acquisition of critical nuclear technologies, and that has been of vital importance to America's security. Simply put, the Administration now proposes to destroy that norm.

Some claim the deal would only recognize the reality of India's nuclear weapons program. But that is not accurate. Recognizing that India and a few additional countries have acquired nuclear weapons over the last three decades is not the issue. The damage will be done to the non-proliferation norm by legitimizing India's condition, by exempting it from a policy that has held for decades. And we would do this, we assert less than honestly, because of its exceptionally good behavior. In truth, we would reward India with nuclear cooperation because we now place such a high value on improved relations with New Delhi, not because of its uniquely good behavior.

Critics ask, if we do this deal, how will we explain, defend, and promote our policy of stopping Iran's proposed uranium enrichment program? Iran is, after all, a party to the Nuclear Non-Proliferation Treaty, and as far as we know, has no fissile material outside of international safeguards and has never detonated a nuclear explosive device. A good question, but not the best one because India has arguably been a more responsible member of the international community than Iran. Rather, if we do this deal, ask how we will avoid offering a similar one to Brazil or Argentina if they decide on nuclear weapons acquisition, or our treaty ally South Korea. Dozens of countries around the world have exhibited good behavior in nuclear matters, and have the capability to produce nuclear weapons but choose not to, at least in part, because of the international norm against nuclear weapons acquisition reinforced by a policy we would now propose to abandon. Will we legitimize only India because it never joined the NPT and thus did not have to withdraw from it to pursue nuclear weapons? No, if India was truly unique, there might not be much risk to that non-proliferation norm we so depend upon, but it is not unique: the deal would set a dangerous precedent. If we do this, we will put at risk a world of very few nuclear weapons states, and open the door to the true proliferation of nuclear weapons in the years ahead.

Finally, if there are two national security objectives in conflict here, one regional and the other global, is it possible to reconcile them? The answer is probably yes, but not now, not in the current context. Clearly and regrettably, if the Administration's proposal does not succeed in much the same form in which it has been put forth, US - India relations will deteriorate for a time. But acknowledging that does not mean that we should go ahead with a deal that would do irreparable damage to our long-term national security interests. Instead, we should put forth a

proposal that more nearly balances regional and global security interests, recognizing that it will be some time, at best, before it will appeal to New Delhi.

In looking for that balance, we should understand that there is something of a continuum to be considered in terms of non-proliferation provisions. At one end, for purists, is nothing less than Indian adherence to the NPT. This is nearly impossible to foresee. Next, for non-proliferation realists, is an Indian commitment to end fissile material production for any purpose and forego those facilities, enrichment and reprocessing, that yield it. This would leave India with nuclear weapons, but no means to produce the material to make more. Significantly, it would also deny India the option of exploring breeder reactor technology, something the Indian nuclear energy establishment very much wants to do.

Finally, there is a more practical posture, which is to permit nuclear cooperation with India if it accepts a reasonably verifiable ban on the production of any more fissile material for nuclear weapons purposes. This approach would permit India reprocessing and enrichment facilities, but effectively require international safeguards on all its nuclear facilities and any nuclear material produced in the future. Its appeal in regional terms is that it would allow India to pursue nuclear energy without restrictions of any kind - - more than we are willing to do for Iran at the moment. From the global security perspective, we will have succeeded in capping a nuclear weapons program, a substantive achievement which arguably offsets a breach of the long-standing policy against nuclear cooperation with a state such as India that does not accept full-scope safeguards. The deal would have to have other provisions, such as rigorous nuclear export control policies, a ban on export of enrichment or reprocessing technology, and a

permanent prohibition on nuclear explosive testing, but this is its essence.

The deal described above would require India to choose between the opportunity to expand its nuclear energy program on the one hand, and the expansion of its nuclear weapons arsenal on the other. The Administration proposes to allow India to do both, and that would be a mistake. Our security depends on maintaining the norm against nuclear weapons proliferation.