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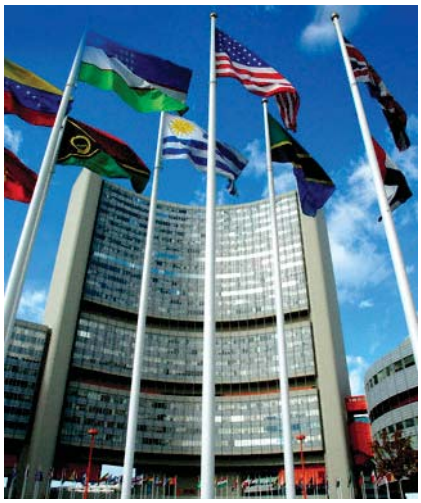
A watershed similar to the 1991...

It is a unique document of the IAEA in which an NPT country is conceded virtually weapon status and makes provision for continued supply of fuel. This is distinctly different from the safeguards agreements of IAEA with NPT countries where existence of weapon making facilities are not tolerated.We can continue with our development programmes with the prospect of better technological hardware support without having to waste time on developing each and every nut and bolt.

EFFORTS REQUIRED TO open up the Indian nuclear industry to the global mainstream are again in the cauldron. The first step in this direction is to have the agreement with IAEA signed. This will be an international agreement with an United Nations Organization and has more importance over and above any bilateral agreements that the government may arrive at on the basis of this. The IAEA agreement will form the basis for approaching the Nuclear Suppliers Group (NSG) to remove the restrictions on nuclear trade with India and the so called bilateral agreement with USA in the form of the 123 agreement which gives exemption to India for nuclear commerce with that country.

Pave the way for several bilateral agreements...

More significantly, the IAEA and NSG agreements will lead to several bilateral cooperation agreements with countries such as France andRussia in the near future. Russia has explicitly said that for future reactors to be set up at Koodankulam, the agreement with IAEA is required. Once out of the shackles of the embargo, there is scope for many such agreements to be reached to open up nuclear commerce for India. In other words, the IAEA agreement, though no doubt originated with the requirement set forth by USA to have an Indo US nuclear agreement, has much deeper implications in the international context. Today's ground realities demand that in order to remove the embargos placed on India, the blessings of USA is required, which in turn necessitates an agreement with IAEA. It gives an international acceptance for any country to enter into a bilateral agreement with India.



It may be argued that the 41 nation NSG cartel is controlled by USA. Since the initiative came from USA it is logical to believe that things will fall into a pattern. The IAEA agreement can be considered to be a beginning for India to enter subsequently into the NSG organization and to become an important voice in the world in due course. Having already done the groundwork for the India USA nuclear co-operation, the so called 123 agreement, the Government of India has now made public the IAEA agreement which the Board of Governors of IAEA will discuss soon. The agreement has been the result of intense diplomatic exchanges between IAEA and the GOI and it went through several stages of iteration. An analysis of the document shows that, the agreement is framed on the pattern of the Infcirc-66 on the safeguards agreement which India had for the Tarapur and Rajasthan reactors in 1965 except for the first few pages.

India - specific IAEA agreement:

In the introductory part, the agreement cites the India-U.S. Joint Statement of 18 July 2005 and concedes the existence of un-safeguarded weapon making facilities in India and the "willingness of India to identify and separate its civilian and military nuclear facilities and programmes in a phased manner." The agreement will apply to "any facility listed in the Annexe to this Agreement, as 'notified by India' pursuant to paragraph 14(a) of this Agreement." Further it states that "India shall file with the Agency a declaration, based on "its sovereign decision to place voluntarily its civilian nuclear facilities under Agency

safeguards in a phased manner." The table of those facilities left blank at the end of the document is to be decided by India.

The draft states: "an essential basis of India's concurrence to accept Agency safeguards under an India-specific safeguards agreement is to conclude international cooperation agreements or enable India to obtain access to the international fuel market including reliable, uninterrupted and continuous access to fuel supplies from several nations as well as support for India's effort to develop a strategic reserve of nuclear fuel to guard against disruption of supply over the life time of the Indian reactors."

It further states that "India may take corrective measures to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies."

These embody the essence of the requirements demanded by India and meets most of the objections raised in the country. Though it is in the preamble, it sets forth the basis of the bilateral agreements which will meet those concerns. Of course it is natural, the IAEA, being a UN organisation, holds no power to meet these terms but it will certainly set the tone of the bilateral agreements which will be incorporated therein.

India recognised a nuclear weapon state

Thus in this introductory part, the agreement concedes the existence of un-safeguarded weapon making facilities in India. This is the first time that in any international document that India is conceded the position as a nuclear weapon state albeit indirectly. There is also a clause to take into account India taking corrective measures to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplied. Even here we have a precedence as in the case of Tarapur Atomic Power Station which was denied fuel by USA but eventually France and Russia stepped in.

The basic objective of the agreement is stated to be "that the materials pro-

cured for the safeguarded civilian installations will not be diverted to the manufacture of any nuclear weapon or to further any other military purpose." This is distinctly different from the safeguards agreements with NPT countries where existence of weapon making facilities are not tolerated. The general principle is stated to be to guard against withdrawal of safeguarded nuclear material from civilian use at any time.

India not prevented to pursue its strategic objectives...

Further the agreement clearly states "safeguards will be applied in such a manner designed to avoid hampering India's economic or technological development and not to hinder or otherwise interfere with any activities involving the use by India of nuclear material, non-nuclear material, equipment, components, information or technology produced, acquired or developed by India independent of this Agreement for its own purposes." This will make it clear that the objective is not to prevent India from continuing its strategic applications of atomic energy.

Co-existence of civilian and military facilities...

Thus the agreement incorporates the co-existence of civilian and military facilities side by side, the latter being out of the purview of safeguards. Nowhere there is any mention of any restriction to operate or place any bar on setting up facilities outside safeguards using local un-safeguarded resources.

The exemption clauses for limited quantities of nuclear materials for any purposes including R&D are those similar to the plant specific agreement which India has for Tarapur and Rajasthan reactors." More explicitly it states: "nuclear material that would otherwise be subject to safeguards shall be exempted from safeguards at the request of India, provided that the material so exempted in India may not at any time exceed the set limits."

No mention of the extended safeguards protocols as in the case of NPT states finds a mention in the agreement.

A unique document dissimilar to normal NPT agreement:

On the whole it is a unique document of the IAEA in which an NPT country is conceded virtually weapon status, makes provision to the extent possible for the continued supply of fuel and meets all the expectations of the country. The grossly exaggerated fears expressed in many quarters are found to be baseless. We should not miss this opportunity to open up our nuclear industry to the global mainstream. The aim of the agreement is to cover the civil nuclear facilities declared by India under safeguards and to ensure that the material from these or their derivatives are not diverted to nuclear weapon facilities in the country. In other words the applications other than civilian will be on its own steam without any interference and the safeguarded materials would under no circumstances find their way into the unsafeguarded uses. It is implied that it is upto India to use only imported fuel materials for the safeguarded facilities and freeing it to use its own materials for any other purpose.

Thus the India specific safeguard agreement is dissimilar to the safeguards agreements with NPT states in that while the aim in this case is to ensure that the imported safeguarded nuclear materials will under no circumstance find their way or help in military applications which exist in the country. In the case a normal NPT agreement, all facilities in the country concerned are safeguarded so that no material in the country finds its way to any non-civilian use. This is an important aspect which places India more like a weapon country. In short it confers the benefits of getting into the

global mainstream for civilian uses of atomic energy and at the same time does not shut off the country from maintaining and proceeding with its programme of strategic applications.

Thus we can easily see that the objections to the agreement seem to be trivial. Other countries may have their axe to grind in this affair, but then as in any other international ventures it is necessary to weigh the benefits and the disadvantages. In this case the benefits far outweigh the disadvantages. In other words, we are retaining our right for strategic applications with those enshrined in an international agreement and at the same time enable the country to increase rapidly our civilian use of atomic energy, in particular, for electricity production. This will enable us to keep pace with the tremendous pace of these activities particularly in Asia. We should rise above narrow considerations and keep the progress of the country in mind rather than harp on hypothetical scenarios.

How the objections raised have been met...

As seen above the main objectives-uninterrupted supply of fuel, independence in the area of strategic applications-are all met. Now about the perpetuity of the agreement that is being talked about. I don't think it is a point to be bothered since only if India is to break the agreement the question will arise. The disruption of fuel supply is to be of concern only if India breaks some of the safeguard agreements. India being a responsible country, which is in the governing council of the IAEA, does not have any reason to break the agreement.

Some have raised the suspicion about intrusiveness of safeguards for setting up plants and operating them. If a country like Japan has made much progress not only with its reactor operation but with its fuel processing plants which are all under safeguards, these should not be a serious problem to circumvent. If anything, it will only improve our being more methodical and systematic.

The freedom of testing weapons has often been flaunted. As has been pointed out earlier, in practical terms the freedom of testing does not exist with any country today. Binding international obligations are not only through written agreements but there are certain unwritten understandings such as those for carrying out a nuclear test. In today's circumstances it is not easy for any country to carry out a test or use a bomb without earning the wrath and subsequent international pressure whether the country had an agreement or not. Even India has a self-imposed moratorium on testing. Fact being this, to insist that we should have the right to test enshrined in some document is, to say the least, too naïve. And if the international compulsions change, then the international equations also will change. And that makes it a hypothetical question.

Today everybody negotiates persistently to get their view point accommodated. To shut off negotiations and continue in an isolated environment is not in the best interest of the country. Even countries like China and Russia have come out of their isolations. There is an agreement North Korea has arrived at with the USA and IAEA.

Advantages of having the agreement

As mentioned in earlier articles by the author, we have to perforce analyse the disadvantages of not signing the agreements rather than getting lost in looking at possible disadvantages. The immediate advantages are: installation of large capacity, state-of-the-art power plants with fuel supply and overcoming the deficiency of fuel for our own reactors. Immediately we can increase our installed nuclear capacity through imported fuel and imported reactors. Opening up of our nuclear industry will enable us to maximize our electricity production and keep pace with the feverish activities going on today in Asia. Without the fuel, the relevance of the excellent work done by the Nuclear Power Corporation in the construction of reactors would get lost. Presently we top the list with 6 reactors under construction. China is said to be planning to set up 100 reactors from all sorts of sources, though their reactor technology can be considered second only to that of India's. Make use of the plutonium from the imported fuel judiciously can perhaps be the best guarantee for assured fuel supply.

We need not re-invent the wheel...

We can continue with our development programmes with the prospect of better technological hardware support without having to waste time on developing each and every nut and bolt. Diverting the technically competent manpower to more productive developmental work than struggling with import substitution that often results in non-optimum solutions will be another definite advantage. The agreements might pave the way for the possibility of technology export and India becoming a senior member of NSG.

Technological cooperation and infrastructure-sharing, avoiding duplication of efforts would result in leap-frogging technology. Indigenisation is good to a certain extent but international sharing of technology is the order of the day in any field. Dr. Bhabha would certainly have advocated such a policy. It will make the nuclear industry more accountable and the sense of competition will spur it to higher levels. We have a tendency to drift from concept to concept and getting lost under a feeling that anything that is theoretically possible can be made industrially viable.

Not a small gain...

The implications of the country being accepted as a NPT country with a weapon programme can be imagined. It is by no means a small gain. It is unfortunate that those who oppose the deal are unable to realise the implications of this important historic step. For this we need to keep hammering with negotiations and making our presence felt instead of walking away isolating ourselves.

We should make use of this opportunity to become an important nuclear power generating nation with our technology exported to other countries. To shut ourselves and continue to work in isolation would only deny the opportunity to make our imprint politically and technologically. This gamble had to be taken sometime and it is good that the government is able to take this today and in the years to come this will be considered as a watershed in Indian policy decisions, similar to one which opened up the economy in the 1990s. Otherwise we would have continued to crawl under outdated ideas and political dogmas. It will be a pity if the lessons learnt by countries like Russia and China do not made us a bit wiser. ■