

## India's Policy of Civil Nuclear Cooperation

Written by Mohammad Samir Hussain & Janatun Begum  
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This article has been written in response to the recent new guidelines adopted by the 46 member Nuclear Supplier Groups (NSGs) about the export of sensitive nuclear technology to non-signatory of Nuclear Non-Proliferation Treaty (NPT) including India.

It was on 6 September 2008, after more than three years of long battle, India, finally got the grant of waiver from the NSGs to adjust its guidelines to enable full civil nuclear cooperation with the suppliers. The decision was a welcome development for India because it waives from the requirement of 'full-scope safeguards' as a pre-condition for the NSG members to export nuclear material and fuel for use in its safeguarded civilian nuclear facilities. However, the recent upsurge of the NSG effort to tighten the general rules for the international transfer of enrichment and reprocessing equipment and technology (ENR) goes against the wish of India. Such a NSG insistence on supplying nuclear technology and its related materials only to NPT member or those whoever has accepted the full-scope safeguards is in contrary to the successful waiver of India by the same cartel few years back. Therefore, India have a huge task ahead at NSG in terms of ensuring that clean waiver from the latter remains intact that hold's the key to India's global civil nuclear commerce.

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Many of the Strategic analysts in India have commented that the 2008 Nuclear Supplier Groups (NSGs) "clean waiver" is a "specific" NSG decision, and cannot be superseded by any "general" decision taken by the NSG. The earlier decision has been taken on the basis of India's track

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record in regard to nuclear proliferation. India despite being out of the NPT has not transferred any form of nuclear technology and its related material to nuclear aspiring countries. The 2008 waiver was an India-specific waiver, which had been given despite of India's non-NPT status and a clear stand of not opening our nuclear weapons facilities to international scrutiny. However, what the NSG member should not forget is the fact that to get this clean waiver, India has to take up significant number of difficult steps despite stiff opposition from the other political parties. These includes separation of civilian and military nuclear programmes, placing civilian nuclear facility under the International Atomic Energy Agency (IAEA) safeguards, signing of an Additional Protocol and taking tough stand on export of nuclear and its related materials.

If the recent decision by NSGs of strengthening the guidelines on transfer of enrichment and reprocessing technology also includes India then it would pose a serious setback to the latter's quest for energy security.

The Indian Prime Minister and other members have invested a lot of energy to successfully conclude nuclear agreement in a bid to show the way for nuclear energy to meet India's energy demands despite opposition by other political parties in India. 'The civil nuclear cooperation agreement between India and the United States is aimed at facilitating a substantive and clean energy sources to a fast emerging, huge energy deficient nation like India'. Prime Minister Mr. Manmohan Singh in his briefing to the Parliament on 29 July 2005 has made it very clear that, "India's quest for energy security as an essential component of our vision for our development was a significant theme of my talks." He also underlined the needs for India to have unhindered access to all sources of energy, including nuclear energy, if we are to maintain and accelerate our rate of economic growth....It was in this context that we affirmed the importance of cooperation in the civilian nuclear energy sector."

Since the clean waiver in 2008, India have entered into a civil nuclear cooperation agreement with a significant number of countries such as the United States, France and Russia, Kazakhstan, Namibia, etc. Besides, negotiation is going on with other countries- Australia, Japan, etc.

### Indian Response

India was not quite satisfied with the way the NSG members take a new stand as against the earlier one. India's External Affairs Minister, S M Krishna has made a formal statement in the Parliament by making the following clarifications:

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1. The basis of India's international civil nuclear cooperation remains the special exemption from the NSG guidelines given on September 6, 2008 "which contain reciprocal commitments and actions by both sides."

2. The earlier exemption accorded "a special status to India" and "was granted knowing full well that India is not a signatory to the NPT."

3. Pursuant to the 'clean' exemption "NSG members had agreed to transfer all technologies which are consistent with their national law" including technologies connected with the nuclear fuel cycle.

4. The only outstanding issue left out is the "full implementation" of the September 2008 understanding. This has to be done between India and other partners.

5. He further added that "we expect all NSG members to honour their commitments as reflected in the 2008 NSG statement and out bilateral cooperation agreements."

### Response of U.S., France and Russia

The initial response of the three nuclear supplier's countries comprising of the United States, France and Russia after the NSGs issued the new guidelines on the supply of ENR in June 2011 was satisfactory. The Indian diplomats have a huge task ahead to ensuring that India is excluded from the purview of the new ENR restrictions imposed by NSGs.

As far as the US stance on the new NSG guidelines is concerned, outgoing US ambassador Timothy Roemer reiterated on June 30 the state department's decision that that the US remains committed to the NSG exemption accorded to India in 2008. He further added that, "The White House and the Obama administration strongly and vehemently support the clean waiver to India."

French Foreign Minister Alain Juppe in an interview in New Delhi has made it very clear that France did not consider itself bound by the new guidelines when it came to nuclear commerce with India. He further added that notwithstanding the NSGs rules, Paris remained free to sell ENR items and technology in a manner consistent with its national law and its bilateral agreement. While, a Russian foreign ministry in an unambiguous statement had said that Moscow is going to implement its commitments made under the Russia-India civil nuclear pact irrespective of NSG guidelines. Sergei Kiriyyenko, the chief of Rosatom State Nuclear Energy Corporation, announced last year plans to set up joint ENR facilities in India.

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