

Beyond The 123 - Is There A Plan B ?

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Nuclear technology (as also aerospace or ocean technology) always has intrinsic strategic connotations irrespective of the background context, and even its civilian usage envisaged in the Henry J Hyde India – US Civil Nuclear Cooperation Act signed into law by the US President George W Bush on 18 December 2006, is no exception. As such, the Act and the formal agreement to follow between the two countries, informally christened as the 123 Agreement (in reference to Section 123 of the American Atomic Energy Act 1950 under which it will be negotiated) is ultimately more about the overall strategic relationships India and the USA look to construct, rather than exclusively regarding access to sensitive technology. It must also be clearly understood at the outset, that for India, the core issue in this engagement with the United States is not so much about purely civilian use of nuclear energy, rather the unstated but overwhelming strategic objective of preservation and maintenance of the country's indigenous nuclear weapons programme under all circumstances. Unless this can be ensured, the agreement will not be in the national interest and not worth the paper it is written on.

Here, it would be well to remember that under the American legislative system, the Hyde Act is an essential preliminary proceeding before attempting to induce any modifications in one of the most sensitive and inviolable precepts of American national security – nuclear non-proliferation. Successful conclusion of the 123 Agreement between India and the USA is a *sine qua non* for the further negotiations down the line which are to follow with the 45 nation Nuclear Suppliers Group (NSG), the international custodians of nuclear materials and technology, as well as the International Atomic Energy Agency (IAEA), the watchdogs over nuclear proliferation. Here it would be well to remind ourselves that the USA, along with Russia, China, England and France, is a

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founder member of the NSG and NPT, and also one of the permanent members of the United Nations Security Council. It remains a heavyweight in international negotiations, Iraq and the War on Terror notwithstanding. These negotiations would want the NSG to allow country-specific exemptions for transfers of nuclear materials and technology to India as a non – signatory to the NPT and with the International Atomic Energy Agency (IAEA), regarding safeguards on Indian nuclear infrastructure declared civilian. Meanwhile, negotiating the 123 Agreement is also becoming somewhat time sensitive to both India and the United States as the countdown to the American presidential elections of 2008 begins, with indicators of a possible Democrat incumbency, who may not be as supportive of the Hyde Act as the current administration. The whole issue is assuming all the signs of speed chess, which India must play with skill and circumspection, because on first viewing, it is playing with a limited number of pieces on the board.

That the Hyde Act could at all shoot the rapids of the American legislative process can be credited entirely to the strong support extended by President George W Bush (whatever his public approval ratings), who took it up almost as a personal mission, while at the Indian end Prime Minister Manmohan Singh similarly exerted himself to bring around a sceptical Indian Parliament on the issue. Formal discussions on the agreement are likely to commence in the near future, but there are strong misgivings in India about the fine print of the Hyde Act which appear to indicate shapes of some of the things to come, as for example, the clear directive to the Government of the United States to adhere to the parameters of the Non Proliferation Treaty (NPT) in all transactions under the Act – in effect a nuanced reiteration of the basic Clintonian non – proliferation dictum “Cap, Roll back, Eliminate”. The American presidential signature culminated but did not terminate the extended public debate in both India and the United States against the proposed Agreement. The debate in both the countries was intense, contentious, and often bitter, though for differing reasons. It also generated strong adversarial resonance in China and Pakistan who also criticised it, but only because it would be detrimental to their own national security, an aspect which does not seem to have registered at all in this country, perhaps because it is not politically fashionable to do so. The

opposition in India was driven by environmental, strategic, and ideological considerations, with objections ranging from nuclear waste disposal and threat of terrorist attacks on nuclear installations, to compromise on non-alignment and resultant loss of strategic independence, plus knee-jerk anti – Americanism in which Islamic fundamentalists converged with politically correct left intellectuals. In America, the anti – Hyde Act debate was fuelled by classical non-proliferation theology and a sense of rewarding transgression by India, along with perhaps a leftover dash of Cold War pique over the country's pro-Soviet - non-alignment during those years. But all this notwithstanding, the Henry J Hyde Act is, undeniably, a truly watershed legislation which marks a momentous departure for the United States from the basic tenet of non – proliferation, one of the main pillars of its national security doctrine and foreign policy almost ever since the commencement of the nuclear era at the end of the Second World War in 1945, and through the Cold War thereafter. The Act is very specifically India - centric, and an acknowledgement that India's special status as flourishing democracy as well as a non-formalised but de facto nuclear power requires a special tailor - made engagement, rather than the earlier broad brush of technology denial. Even as a non-signatory conscientious objector country, India has adhered to the spirit and guiding philosophy of the Non-Proliferation Treaty (NPT), even as it has developed civilian and military nuclear capability through entirely indigenous efforts. Some tend to read into the Henry J Hyde Act – even if somewhat between the lines – a tacit, unstated, perhaps plausibly deniable, acceptance of India's nuclear weapons programme by the United States, but in the shifting sands of international geo-politics such speculations can be either naïve or motivated, and in any event are downright unsafe.

On the Indian side, what has been completely missing so far is a degree of balance and focus on the wider strategic environment within which India has to engage with the United States on this very sensitive issue, with its many implications for geo – political vectors impinging on India's national security, whose possible fallout requires to be assessed within a cat's cradle of several other connected factors which also converge on the issue. These include the overall rivalry between the United States and the Peoples Republic of China, the strong military component in the “peaceful rise” of the Peoples Republic of China and its influence

on the currently evolving Sino-Indian relationships, the well entrenched Sino-Pakistan military - nuclear axis which underpins Pakistan's endemic hostility to India and which China retains as a contingency strategic option should need arise in future, Iran's alleged nuclear weapons programme and the implications for India, and the pervading cloud of international *jihad* emanating from epicentres in Pakistan, the Middle East, and now the Horn of Africa. It is precisely on these other realities that logical debate on the Indo-US agreement has been conspicuously absent at the Indian end. Meanwhile, additional *masala* is being stirred into the cooking pot, beginning with China's President Hu Jintao's surprising - almost off hand - offer during his visit to India of cooperation in civilian nuclear energy. China is always a major - almost predominant - factor in Indian geopolitical calculations, so, on the face of it, such an offer could open up many hitherto unheard of prospects. However, no further details are in the public knowledge as yet, so it will obviously be desirable to await them, meanwhile attempting to ascertain if any terms and conditions are attached to this bumper offer, and if so, what these could be. Would it for example, be independent of the ongoing Indo - US dialogue on the civilian nuclear issue, or would it be conditional on their short closure ? The possibility of a dummy offer with intent to delay, confuse, and derail ongoing process can of course never be totally discounted (which by the way would be in consonance with China's grand strategies vis a vis the USA on other issues as well). On an overlapping track, outcomes of President Putin's visit on Republic Day 2007 have been extremely positive, but again with the clear precondition of a finalised 123 Agreement. Russia is competing strongly with the USA for strategic relationship with India, but is simultaneously also in a close strategic partnership - almost economic dependency - with China as a major market for weapons technology, and hydrocarbon energy. Russia is undoubtedly a tried and trusted friend of long standing, but the world has changed, and so too have national interests. The Prime Minister Manmohan Singh also murmured something about a China - Russia - India triangle, but it is difficult to estimate if this, too, is a serious offer. Meanwhile, "trust but verify" even with old friends in new circumstances.

Blast waves from the Iraq situation are uncovering Iran as yet another major factor in India's "near abroad", which needs to

be handled with circumspection. On the one hand are India's requirements for natural gas from that country, (via Pakistan, which has its own set of problems), and also access by road to Central Asia via Bandar Abbas and other Iranian ports on the Persian Gulf, but on the other are also misgivings of nuclear weaponisation by an avowedly hardline Shia Islamic State. As a signatory of the Non Proliferation Treaty (NPT), Iran is fully entitled to develop nuclear energy for peaceful purposes, but western intelligence casts doubt on the possible end ~~use~~ [#] of indigenously enriched uranium, and suspects an ultimate intent of weaponisation on their part. (gab)
 No matter that the credibility of western intelligence has been severely eroded after their total dishonesty in respect of weapons of mass destruction in Iraq, but it will nevertheless be advisable for India to tread extremely softly because the prospect of a nuclear armed Iran under its present hard line evangelical leadership, even if conveyed by a generally discredited source, cannot really be regarded with any degree of equanimity. In this connection, it would be well to remind ourselves that India's frequent overtures proclaiming the common cultural and social linkages for over five thousand years with Iran are generally not reciprocated, and in any case interaction between the two countries in more recent times has not been too fraternal either. Under Shah Mohammad Reza Pahlevi, Iran, a member of CENTO (Central Treaty Organisation), supported Pakistan materially and morally during the 1965 Indo-Pakistan War. After his deposition in 1979 by Ayatollah Khomeini and the Islamic revolution, the country governed by the Ayatollahs of the Supreme Religious Council presented itself as the spiritual source of hardline Shia fundamentalism, which President Mahmoud Ahmednihad's violent diatribes against Israel seem to perpetuate further. Indo – Iranian relations must, therefore, be viewed realistically for what they are - formal, correct, but distant, rather than warm or especially close as some want to propagate.

The Peoples Republic of China demonstrates its "peaceful rise" not only through surging economic growth, but also by periodic displays of iron beneath the velvet, this time the anti-satellite missile. For India, this is specifically manifested in the ring of China's regional defence agreements with countries in the neighbourhood particularly the "firm all weather" military-nuclear nexus with Pakistan which has imposed a strategic check since 1963. Both

India and the USA cannot, therefore, be faulted if China's galloping advance also creates concerns of thunderclouds on the horizon. Traditionally addicted to soft-line rhetoric, but without the requisite back up in terms of hard muscle, India is undoubtedly aware of its vulnerabilities *vis a vis* China in almost all aspects of hard national power and capability. This makes it important to utilise every opportunity to try and regain some of the strategic balance lost in the aftermath of 1962. In this context, might the time have arrived for policy makers to examine the feasibility of initiating an *Indian* military - nuclear strategic nexus of its own with a suitable geo-political "natural ally"? Could such a strategic partner at least in the short or middle term, be the United States? *Might* the upcoming negotiations for the 123 Treaty be an opportunity for this? Public responses to such proposals in both India and the United States have necessarily to be of denial, framed in politically correct phraseologies. Such reactions will have to be accepted at face value, but are unnecessarily pejorative to both countries, one a superpower and the other emerging into a status of its own. India is a powerful entity, too large and firmly established to be "used" by anybody, even a superpower, while the United States has discovered the limits of power in Iraq and Afghanistan during its War on Terror. Under the circumstances, might both countries be receptive to strategic partnership on mutually beneficial terms? Are such arrangements at all feasible and if so, what are the conditions on which they could be workable? How much could India concede, yet preserve its core interests intact? Could there be Sino-Pak counter-moves to such an agreement, and what would be a possible response? The outcomes of such hypothetical speculations have of course to be totally imaginary – but nevertheless might be worth the effort. The envelope of negotiating skills will have to be pushed to the outermost limits in such endeavours, but one thing is quite clear even at the very outset - if the US side should indeed intend to build the discussions around the letter of the NPT, 123 is definitely likely to go kaput as far as India is concerned, with the inevitable residue of acid spillover on Indo-American relations, and every likelihood of leaving a permanent stain. There is need for fall back strategies, - for a Plan B as it were, if matters do not work out as anticipated.

Failsafe alternatives for such contingencies ultimately boil down to two – either acquire alternate "natural allies" agreeable for

nuclear cooperation on mutually advantageous terms, or launch out in the self reliance mode of nuclear development, both civilian and strategic, under a philosophy sometimes designated as *Swadeshi*, a historic term but since much devalued in contemporary times by hardline liberal politicians who have bestowed lunatic Hindu connotations upon it. But here too, what are the practicable options? Alternate alliances with other "natural allies" for a 123 - type treaty appear far fetched enough to be unlikely in the foreseeable context. In any case, Russia, the most publicly supportive of putative "natural allies" has politely conveyed that a clearance from the United States through an Indo-US 123 Treaty is an essential prerequisite for future transactions. As for the Chinese offer, it would be advisable to consider it with extreme prudence, like an invitation into the spider's parlour. The second is the *Swadeshi* option of self reliance does not carry as much (WHICH) international baggage, but demands a sustained national determination and focus which has often been difficult to achieve. Here, it may sometimes slip the mind that notwithstanding stringent denial regimes after the 1974 Pokhran nuclear test, India has developed well established infrastructure and substantial indigenous programmes covering the entire nuclear cycle. Indeed, after listening to the severe denouncements of the Indo-US nuclear dialogue by India's undoubtedly talented nuclear scientific community, it would be justifiable to take them at their word and challenge them to take the country, India, to its strategic goals without depending on foreign resources and technology. Nevertheless, a restrictive factor remains the limited availability of nuclear fuel from the natural uranium deposits in the country (resources estimated at 74,000 tons). This is compensated to a large extent by rich deposits of thorium bearing monazite sands, which can be processed downstream into plutonium, but that technology is still some distance in the future, fifteen to twenty years by some estimates. Until that time, however, the threats posed by uncertain neighbours armed with nuclear weapons, together with the demands of an economy poised to gallop into the ten-per cent growth range have to be met by other alternate means. Nuclear weapons and alternate sources of industrial energy are both inescapable as an ongoing requirement which cannot and must not be compromised or diluted under any circumstances. Assuming our scientific community can be taken at face value that indigenous science and technology will not be

a problem, the critical bottleneck is of adequate natural uranium resources within the country for both nuclear weapons as well as industrial energy. To meet these divergent goals, an option based on self-reliance will compel several perceptions to be stood on their head, for which few major policies will require to be implemented. Firstly, the quantum of "minimum credible" strategic capability will have to be determined and indigenous uranium resources reserved primarily to achieve it. Only after these have been attained, can available balances of nuclear fuel be made available for the civilian energy sector. Secondly, in the interim, energy security will require to be developed primarily from non-nuclear fuels and renewable technologies, where there must be a massive scientific and technological campaign to reduce, preferably eliminate, dependence on imported hydrocarbon fuels especially from the Middle East and Gulf regions. With a whole host of latest power generation technologies arriving on the scene from non-petroleum hydrocarbons like coal and methane, bio mass and renewable energy sources, this might now be capable of achievement, but requires resources, urgency as well as enthusiasm and sense of purpose. To date, the latter have been conspicuously missing. Thirdly, exploitation and recovery of natural uranium resources in the country will have to be enhanced and maximised by technological modernisation and upgradation of prospecting and mining capacities in the country. In the process, extreme attention will be required to mitigate the attendant socio-political and environmental issues, which will arise. People-sensitive legislations, essential for the social and economic rehabilitation of those who will inevitably be displaced, will require to be put in place as rapidly as possible, along with its positive implementation, which has so far been the weakest link in the chain. Fourthly, indigenous nuclear research development, and engineering capabilities must be resourced and oriented for rapid surge, with thorium based fast breeders as the technological Holy Grail. Given the necessary focus and will, *Swadeshi* nuclear power is definitely do-able.

The traffic signals ahead for 123 are definitely amber and blinking rapidly, requiring movement with extreme caution. But, at this stage, the million dollar question that should be posed to national policy makers – is there a Plan B?

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