



The US-India Nuclear Cooperation Deal: Unacceptable under the Circumstances

Statement by the Canadian Pugwash Group

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The prevention of nuclear weapons proliferation and progress toward nuclear disarmament will be strongly affected by the success or failure of the international community in bringing India, Israel, and Pakistan into responsible participation in the nuclear non-proliferation regime. The pre-eminent and urgent objective is to have these three states join the Nuclear Non-Proliferation Treaty (NPT) as non-nuclear weapon states (NNWS).¹ Indeed they are annually implored to do just that – but, so far, to no avail.

The Canadian Pugwash Group (CPG) believes it is important for Canada and the international community to elaborate practical steps by which the three non-NPT states can make discernible progress toward meeting their non-proliferation and disarmament obligations. Just as the 2000 NPT Review Conference set out disarmament steps intended to gradually move the five acknowledged nuclear weapon states (NWS)² to implement their disarmament obligations under the Treaty, CPG thinks a number of steps should now be discussed with these non-NPT states.

The proposed US-India civilian nuclear cooperation agreement, the final adoption of which appears far from certain, represents a serious threat to the nuclear non-proliferation regime. It does provide, however, an important occasion for the international community to explore ways to link concrete disarmament and non-proliferation measures by the three non-NPT states with civilian nuclear cooperation. When the Nuclear Suppliers Group (NSG)³ considers the US-India deal, its actions should strengthen non-proliferation regulations and provide India and other non-NPT states with incentives to progress towards disarmament.

The CPG urges that any civilian nuclear cooperation arrangements with India be consistent with basic disarmament principles and that any new NSG regulations or guidelines apply to all three non-NPT states. If there is any civilian nuclear cooperation with the three states that remain outside the NPT, it must be linked to specific and verifiable disarmament commitments. Further, civilian nuclear cooperation must not facilitate any development or expansion of their current nuclear arsenals. It must lead ultimately to the three states joining the NPT as NNWS.

To that end, the Canadian Pugwash Group recommends the following:

- a) The international community, including the Canadian Government, must continue to demand that the three outlier states commit to the NPT as NNWS.
- b) Civilian nuclear cooperation with non-NPT states should be permitted only on condition that they recognize Article VI of the NPT as the expression of a global norm requiring the elimination of nuclear weapons and that they are legally bound by that norm, and that they undertake significant steps toward meeting the non-proliferation and disarmament obligations.
- c) These specific non-proliferation and disarmament steps by the non-NPT states must include:
 - i) Effective and verifiable export controls to prevent diversion of nuclear technology or material to weapons purposes;
 - ii) Ratification of the CTBT to facilitate its entry into force in accordance with the unanimous view expressed in 1995 and 2000 by all signatories to the NPT, including all NWS;
 - iii) A verifiable freeze on all production of fissile material for weapons purposes pending the negotiation of an FMCT.

At the NSG, Canada and the other members will likely be asked by India and the United States to permit an India-only exemption to current NSG regulations⁴, without any of the above conditions being applied. Accepting such a proposal would have devastating consequences for disarmament and the non-proliferation regime. Exempting India from full-scope safeguards, as suggested under the current terms of the US-India deal, would satisfy none of the above conditions. Canada should refuse to give its consent to the NSG change demanded by the US-India deal, and should engage with like-minded members of the NSG and the NPT regime to explore the development of a set of practical disarmament and non-proliferation steps applicable to all three non-NPT states and firmly linked to any civil cooperation.

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Notes

¹ India, Israel, and Pakistan are the only three states that have never signed on to the NPT, and all three are in possession of nuclear weapons.

² China, France, Russia, the United Kingdom, the United States.

³ This 45-member group of nations makes all decisions by consensus, meaning that Canada and any individual state has the capacity to block unacceptable arrangements.

⁴ The central NSG guideline is that the transfer of nuclear material to NNWS (of which India is one even though it has nuclear weapons) is permitted “only when the receiving State has brought into force an agreement with the IAEA requiring the application of safeguards on all source and fissionable material in its current and future peaceful activities” (Section 4.a: INFCIRC/254/Rev.8/Part 1, February 2006). This guideline echoes the NPT itself (Article III.1): “The safeguards required by this Article shall be applied on all source or special fissionable material.” In other words, the current standard is that full scope safeguards are a fundamental condition of supply.