

"Safeguards can kick in only after cooperation starts"

<http://www.thehindu.com/2006/09/08/stories/2006090810441100.htm>

-----  
Date:08/09/2006

Opinion - Interviews

**"Safeguards can kick in only after cooperation starts"**

T.S. Subramaniam

In the context of the bills moved in the House of Representatives and the Senate on the proposed Indo-U.S. nuclear agreement, Anil Kakodkar, Chairman of the Atomic Energy Commission, says India considers "reprocessing an extremely important part of full civil nuclear cooperation." In an interview on September 5, Dr. Kakodkar said: "A situation where the spent fuel simply accumulates without any proper disposal option being available is not acceptable." Excerpts from the interview:

Anil Kakodkar: "The objective of developing international civil nuclear cooperation is to create additionalities to our electricity supply without in any way compromising the on-going domestic programme."

**The July 18, 2005, Joint Statement by Prime Minister Manmohan Singh and U.S. President George W. Bush promises full civil nuclear cooperation with India, covering the entire nuclear fuel cycle. But the U.S. House of Representatives Bill 5682 passed in July says the U.S. President "should seek to prevent the transfer to India of nuclear equipment, materials or technology from other participating Governments in the Nuclear Suppliers Group or any other source." The draft Senate Bill 3709 also specifically excludes "export or re-export to India of any equipment, materials or technology related to the enrichment of uranium, the reprocessing of spent fuel or the production of heavy water." The Prime Minister told the Rajya Sabha on August 17 that "We will not agree to any dilution that will prevent us from securing the benefits of full civil nuclear cooperation." If there is no full civil nuclear cooperation as promised, what follows?**

Let us look at it the following way. We are talking about developing civil nuclear cooperation so that we bring in substantial additionalities to our electricity generating capacity, using nuclear means. We have been adopting the principle or philosophy of closed nuclear fuel cycle, which means that the spent fuel, after its use in the reactor, must be reprocessed, and uranium and plutonium recycled. This way, we not only have an environmentally benign radioactive waste management arrangement but also considerably enlarged energy that you can extract from the given quantity of uranium.

In the absence of closed nuclear fuel cycle, one ends up having to deal with the spent fuel as waste which, according to us, is not an acceptable solution even from a long-term credible waste management point of view, leave alone the issue of energy availability in a sustainable manner. The spent fuel, if deposited in repositories for long-term disposal, would over a period of time become a virtual plutonium mine once most of the radioactive components decay out. This can thus become a serious security issue over a

long term. In fact, the logic of closed nuclear fuel cycle is getting to be recognised the world over and I am certain it will become universal fairly soon. It is in this context that we consider reprocessing an extremely important part of full civil nuclear cooperation. Since India has already developed its own enrichment, reprocessing, and heavy water technologies, there need be no apprehensions with cooperation in these areas.

**If full civil nuclear cooperation is not offered, will it be a deal breaker?**

A situation where the spent fuel simply accumulates without any proper disposal option being available is not acceptable.

According to the Separation Plan, all nuclear restrictions on India should be lifted before we put 14 of our nuclear reactors under safeguards in a phased manner between 2006 and 2014. This includes suitable amendment to the U.S. legislation and changes in the NSG guidelines. Dr. Manmohan Singh has said India could not be expected to undertake safeguard obligations on its facilities in anticipation of future lifting of restrictions. But it looks as if the U.S. House of Representatives Bill and the draft Senate Bill want the reactors to be put under safeguards first before the restrictions are lifted. If there is a change in the sequence, is it acceptable to India?

The Prime Minister's statement is very clear. Let us wait for the outcome of the U.S. legislative process. We will decide at that time.

**You want to see what the [final] Senate bill looks like?**

We must see what it contains.

Suppose the bill says we put our reactors under safeguards first and nuclear cooperation will follow, that is, the sequence is changed, what will we do?

The safeguards can kick in only after the cooperation starts. There is no question of the safeguards kicking in before the cooperation. So let us see how the bill appears in its final shape.

Under the U.S. Public Law and the Atomic Energy Act of 1954, if India conducts a nuclear test, fuel supply will be stopped and imported reactors' construction will come to a halt midway. The draft Senate bill also sets its face against a nuclear test by India. The Prime Minister has said India would take corrective steps if the fuel supply were to be stopped. What are these corrective steps?

The Prime Minister's reply is quite clear. We are a sovereign country. Our moratorium on tests is our own unilateral one. These are all multi-layered assurances built-in into the Separation Plan. If in spite of all that there is a discontinuance of fuel supply, then India will have to take corrective steps as has been specified. We will decide what to do at that time.

**Can you spell out these corrective steps?**

There is no need to spell them out.

If the fuel supply is stopped, the Agreement will be dead. So will it be a deal-breaker?

We should approach the whole discussion in a positive manner. We have stated our commitment to the understanding of the July 18, 2005, Joint Statement. Certainly, things can move forward on the basis of the July 18 understanding.

Although India has agreed to observe a voluntary moratorium on nuclear testing after the 1998 Pokhran nuclear tests, mentioned in the July 18 Joint Statement also, can we think of any circumstances under which we need to conduct a test?

The moratorium which has been declared is India's unilateral voluntary moratorium. We don't want to convert that into a bilateral legality. But India's policy in this regard has been continuing right from 1998. That policy stays as it is. No change.

### **Supposing we conduct a nuclear test, what will be the consequences?**

It is a unilaterally voluntary moratorium that has been declared. Why are you asking that question? It is like this. What are we trying to achieve? We are trying to enhance the electricity-generating capacity in India through nuclear means. Of course, we already have our domestic three-stage nuclear power programme. We are progressing well according to that programme. That will continue. We also have our strategic programme to meet the national security needs. That also will continue. We carry out our programmes in accordance with our national requirements as are determined by us.

The objective of developing international civil nuclear cooperation is to create additionalities to our electricity supply without in any way compromising the on-going domestic programme. Now we are looking at these additionalities in terms of nuclear fuel, nuclear reactors, capital and augmented project construction capacities. Given the responsible nature of all our activities, there need be no concern with regard to the inputs to the civilian programme creating any benefits to our strategic activities. So what we would like to see is an environment where a number of players can contribute to the Indian nuclear power programme, of course, in full compliance with the requirements of safety, control on nuclear materials and physical protection of nuclear materials and facilities.

**In the Separation Plan, we agreed to India-specific safeguards with the International Atomic Energy Agency (IAEA) and an Additional Protocol to that. You also told me earlier that these should recognise India as a nuclear weapon state and that India should get the benefits of that recognition. Now the draft Senate bill says that we can only sign the Additional Protocol as applicable to non-nuclear weapon states. This means they do not want to recognise India as a nuclear weapon state, a country with advanced nuclear technology. That we cannot reclassify a civilian facility as military facility. What are the objectionable items in the Additional Protocol? Does it include the IAEA or the American inspectors policing our R and D institutions?**

'Nuclear weapon state' and 'non-nuclear weapon state' are NPT [Nuclear Non-Proliferation Treaty] terminologies. That is a treaty to which we do not subscribe. However, the fact is that India is a country with nuclear weapons. Also, the fact is that our non-proliferation credentials are impeccable. So any arrangement that we enter into has to incorporate these realities.

**Under the bills, the U.S. President has to give an annual certification to the Congress that India is in full compliance of its non-proliferation and other commitments. The Prime Minister has said that such a certification would diminish a permanent waiver into an annual one and introduce uncertainties in future nuclear cooperation. Will the annual certification be a deal-breaker?**

Whatever cooperation arrangement we work out, they must be sustainable. We cannot have a situation of uncertainties coming up every now and then.

The two bills' policy statement says the aim is to achieve a moratorium on the production of fissile material for nuclear explosive purposes by India, Pakistan and China at the earliest. Will we accept this (capping of India's fissile material production) even before a multi-lateral Fissile Material Cut-off Treaty is concluded in the Conference on Disarmament?

We will not accept it. We will accept only a multilaterally negotiated non-discriminatory and universally verifiable treaty, negotiated at the Conference on Disarmament.

**How do you rate the chances of this nuclear agreement going through?**

Let us wait and see. What does it matter? Our programme is going on. If we succeed in developing cooperation, well and good.

**There is an impression that Pakistan is ahead of us in enrichment technology. Is it correct?**

India is recognised worldwide as a country with advanced nuclear technology. We have reached this level of recognition on the basis of a self-reliant R and D carried out within the country.

**Former top brass of the Atomic Energy Commission told Dr. Manmohan Singh that the Americans could not be trusted, given the Tarapur experience. The U.S. also forced Russia to deny cryogenic technology to India. The Prime Minister said that "we will draw the necessary conclusions" if extraneous conditions are introduced in the U.S. legislation or in the NSG guidelines. So has the message gone loud and clear to the U.S. Congress?**

Well, I hope people are listening. But we must certainly learn from our experiences in the past. Having said that, it is important that we must maintain a positive approach.