APPENDICES

APPENDIX-I

Paper Laid on the Table of the House on Evolution of India's Nuclear Policy

On 11 May, a statement was issued by Government announcing that India had successfully carried out three underground nuclear tests at the Pokhran range. Two days later, after carrying out two more underground sub-kiloton tests, the Government announced the completion of the planned series of tests. The three underground nuclear tests carried out at 1545 hours on 11 May were with three different devices - a fission device, a low yield sub-kiloton device and a the nuclear device. The two tests carried out at 122 hours on 13 May were also low-yield devices in the sub-kiloton range. The results from these tests have been in accordance with the expectations of our scientists.

1. In 1947, when India emerged as a free country to take its rightful place in the comity of nations, the nuclear age had already dawned. Our leaders then took the crucial decision to opt for self-reliance, and freedom of thought and action. We rejected the Cold War paradigm whose shadows were already appearing on the horizon and instead of aligning ourselves with either bloc, chose the more difficult path of non-alignment. This has required the building up of national strength through our own resources, our skills and creativity and the dedication of the people. Among the earliest initiatives taken by our first Prime Minister Pt. Jawahar Lal Nehru, was the development of science and inculcation of the scientific spirit. It is this initiative that laid the foundation for the achievement of 11 and 13 May, made possible by exemplary cooperation among the scientists from Department of Atomic Energy and Defence Research & Development Organisation. Disarmament was then and continues to be a major plank in our foreign policy now. It was, in essence and remains still, the natural course for a country that had waged a unique struggle for independence on the basis of 'ahimsa' and 'satyagraha'.

2. Development of nuclear technology transformed the nature of global security. Our leaders reasoned that nuclear weapons were not weapons of war, these were
weapons of mass destruction. A nuclear weapon-free world would, therefore, enhance not only India's security but also the security of all nations. This is the principal plank of our nuclear policy. In the absence of universal and non-discriminatory disarmament, we cannot accept a regime that creates an arbitrary division between nuclear haves and have-nots. India believes that it is the sovereign right of every nation to make a judgement regarding its supreme national interests and exercise its sovereign choice. We subscribe to the principle of equal and legitimate security interests of nations and consider it a sovereign right. At the same time, our leaders recognised early that nuclear technology offers tremendous potential for economic development especially for developing countries who are endeavouring to leap across the technology gaps created by long years of colonial exploitation. This thinking was reflected in the enactment of the Atomic Energy Act of 1948, within a year of our independence. All the numerous initiatives taken by us since, in the field of nuclear disarmament have been in harmony and in continuation of those early enunciations.

3. In the 50's nuclear weapons testing took place above ground and the characteristic mushroom cloud became the visible symbol of the nuclear age. India then took the lead in calling for an end to all nuclear weapon testing as the first step for ending the nuclear arms race. Addressing the Lok Sabha on 2 April, 1954, shortly after a major hydrogen bomb test had been conducted, Pt. Jawaharlal Nehru stated that "nuclear, chemical and biological energy and power should not be used to forge weapons of mass destruction". He called for negotiations for prohibition and elimination of nuclear weapons and in the interim, a standstill agreement to halt nuclear testing. The world had by then witnessed less than 65 tests. Our call was not heeded. In 1963, an agreement was concluded to ban atmospheric testing but by this time, countries had developed the technologies for conducting underground nuclear tests and the nuclear arms race continued unabated. More than three decades passed and after over 2000 tests had been conducted, a Comprehensive Test Ban treaty was opened for signature in 1996, following two and a half years of negotiations in which India
had participated actively. In its final shape, this Treaty left much to be desired. It was neither comprehensive nor was it related to disarmament.

4. In 1965, along with a small group of non-aligned countries, India had put forward the idea of an international non-proliferation agreement under which the nuclear weapon states would agree to give up their arsenals provided other countries refrained from developing or acquiring such weapons. This balance of rights and obligations was absent when the Nuclear Non-Proliferation Treaty (NPT) emerged in 1968, almost 30 years ago. In the 60's our security concerns deepened. But such was our abhorrence of nuclear weapons and such our desire to avoid acquiring them that we sought instead security guarantees from major nuclear powers of the world. The countries we turned to for support and understanding felt unable to extend to us the assurances that we then sought. That is when and why India made clear its inability to sign the NPT.

5. The Lok Sabha debated the NPT on 5 April 1968. The then Prime Minister late Smt. Indira Gandhi assured the house that "we shall be guided entirely by our self-enlightenment and the considerations of national security". She highlighted the shortcomings of the NPT whilst reemphasising the country's commitment to nuclear disarmament. She warned the house and the country "that not signing the Treaty may bring the nation many difficulties. It may mean the stoppage of aid and stoppage of help. Since we are taking this decision together, we must all be together in facing its consequences". That was a turning point. This House then strengthened the decision of the Government by reflecting a national consensus.

6. Our decision not to sign the NPT was in keeping with the basic objective of maintaining freedom of thought and action. In 1974, we demonstrated our nuclear capability. Successive Governments thereafter have continued to take all necessary steps in keeping with that resolve and national will, to safeguard India's nuclear option. This was also the primary reason underlying the 1996 decision in the country not subscribing to the Comprehensive Test Ban Treaty (CTBT); a decision that met the unanimous approval of the House yet again.
Our perception then was that subscribing to the CTBT would severely limit India's nuclear potential at an unacceptably low level. Our reservations deepened as the CTBT did not also carry forward the nuclear disarmament process. On both counts, therefore, yet again our security concerns remained unaddressed. The then minister for External Affairs, Shri I.K. Gujral had made clear the governments' reasoning to this House during the discussions on this subject in 1996.

7. The decades of the 80's and 90's meanwhile witnessed the gradual deterioration of our security environment as a result of nuclear and missile proliferation. In our neighbourhood, nuclear weapons increased and more sophisticated delivery systems were inducted. Further, in our region there has come into existence a pattern about clandestine acquisition of nuclear materials, missiles and related technologies. India, in this period, became the victim of externally aided and abetted terrorism, militancy and clandestine war through hired mercenaries.

8. The end of the Cold War marks a watershed in the history of the 20th century. While it has transformed the political landscape of Europe, it has done little to address India's security concerns. The relative order that was arrived at in Europe was not replicated in other parts of the globe.

9. At the global level, there is no evidence yet on the part of the nuclear weapon states to take decisive and irreversible steps in moving towards a nuclear-weapon-free-world. Instead, the NPT has been extended indefinitely and unconditionally, perpetuating the existence of nuclear weapons in the hands of the five countries who are also permanent members of the UN Security Council. Some of these countries have doctrines that permit the first use of nuclear weapons; these countries are also engaged in programmes for modernisation of their nuclear arsenals.

10. Under such circumstances, India was left with little choice. It had to take necessary steps to ensure that the country's nuclear option, developed and safeguarded over decades not be permitted to erode by a voluntary self-imposed restraint. Indeed, such an erosion would have had an irremediably adverse
impact on our security. The Government was thus faced with a difficult decision. The only touchstone that guided it was national security. Tests conducted on 11 and 13 May are a continuation of the policies set into motion that put this country on the path of self-reliance and independence of thought and action. Nevertheless, there are certain moments when the chosen path reaches a fork and a decision has to be made. 1968 was one such moment in our nuclear chapter as were 1974 and 1996. At each of these moments, we took the right decision guided by national interest and supported by national consensus. 1998 was borne in the crucible of earlier decisions and made possible only because those decisions had been taken correctly in the past and in time.

11. At a time when developments in the area of advanced technologies are taking place at a breathtaking pace, new parameters need to be identified, tested and validated in order to ensure that skills remain contemporary and succeeding generations of scientists and engineers are able to build on the work done by their predecessors. The limited series of five tests undertaken by India was precisely such an exercise. It has achieved its stated objective. The data provided by these tests is critical to validate our capabilities in the design of nuclear weapons of different yields for different applications and different delivery systems. Further, these tests have significantly enhanced the capabilities of our scientists and engineers in computer simulation of new designs and enabled them to undertake sub-critical experiments in future, if considered necessary. In terms of technical capability, our scientists and engineers have the requisite resources to ensure a credible deterrent.

12. Our policies towards our neighbours and other countries too have not changed; India remains fully committed to the promotion of peace with stability, and resolution of all outstanding issues through bilateral dialogue and negotiations. These tests were not directed against any country; these were intended to reassure the people of India about their security and convey determination that this Government, like previous Governments, has the capability and resolve to safeguard their national security interests. The Government will continue to remain engaged in substantive dialogue with our neighbours to improve
relations and to expand the scope of our interactions in a mutually advantageous manner. Confidence building is a continuous process; we remain committed to it. Consequent upon the tests and arising from an insufficient appreciation of our security concerns, some countries have been persuaded to take steps that sadden us. We value our bilateral relations. We remain committed to dialogue and reaffirm that preservation of India's security create no conflict of interest with these countries.

13. India is a nuclear weapon state. This is a reality that cannot be denied. It is a not a conferment that we seek; nor is it a status for others to grant. It is an endowment to the nation by our scientists and engineers. It is India's due, the right of one-sixth of human-kind. Our strengthened capability adds to our sense of responsibility; the responsibility and obligation of power. India, mindful of its international obligations, shall not use these weapons to commit aggression or to mount threats against any country; these are weapons of self-defence and to ensure that in turn, India is also not subjected to nuclear threats or coercion. In 1994, we had proposed that India and Pakistan jointly undertake not to be the first to use their nuclear capability against each other. The Government on this occasion reiterates its readiness to discuss a "no-first-use" agreement with that country, as also with other countries bilaterally, or in a collective forum. India shall not engage in an arms race. India shall also not subscribe or reinvent the doctrines of the Cold War. India remains committed to the basic tenet of our foreign policy - a conviction that global elimination of nuclear weapons will enhance its security as well as that of the rest of the world. It will continue to urge countries, particularly other nuclear weapon states to adopt measures that would contribute meaningfully to such an objective.

14. A number of initiatives have been taken in the past. In 1978, India proposed negotiations for an international convention that would prohibit the use or threat of use of nuclear weapons. This was followed by another initiative in 1982 calling for a 'nuclear freeze'- a prohibition on production of fissile materials for weapons, on production of nuclear weapons and related delivery systems. In 1998, we put forward an Action Plan for phased elimination of all nuclear
weapons within a specified time frame. It is our regret that these proposals did not receive a positive response from other nuclear weapon states. Had their response been positive, India need not have gone for the current tests. This is where our approach to nuclear weapons is different from others. This difference is the cornerstone of our nuclear doctrine. It is marked by restraint and striving for the total elimination of all weapons of mass destruction.

15. We will continue to support such initiatives, taken individually or collectively by the Non-Aligned Movement which has continued to attach the highest priority to nuclear disarmament. This was reaffirmed most recently, last week, at the NAM Ministerial meeting held at Cartagena which has "reiterated their call on the Conference on Disarmament to establish, as the highest priority, an ad hoc committee to start in 1998 negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention. The collective voice of 113 NAM countries reflects an approach to global nuclear disarmament to which India has remained committed. One of the NAM member initiatives to which we attach great importance was the reference to the International Court of Justice resulting in the unanimous declaration form the ICJ, as part of the Advisory Opinion handed down on 8 July, 1996, that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". India was one of the countries that appealed to the ICJ on this issue. No other nuclear weapon state has supported this judgement; in fact, they have sought to decry its value. We have been and will continue to be in the forefront of the calls for opening negotiations for a Nuclear Weapons Convention, so that this challenge can be dealt with in the same manner that we have dealt with the scourge of two other weapons of mass destruction - through the Biological Weapons Convention and the Chemical Weapons Convention. In keeping with our commitment to comprehensive, universal and non-discriminatory approaches to disarmament, India is an original State Party to both these Conventions. Accordingly, India will shortly submit the plan of destruction of its chemical weapons to the
international authority - Organisation for the Prohibition of Chemical Weapons. We fulfil our obligations whenever we undertake them.

16. Traditionally, India has been an outward looking country. Our strong commitment to multilateralism is reflected in our active participation in organisations like the United Nations. In recent years, in keeping with the new challenges, we have actively promoted regional cooperation - in SAARC, in the Indian Ocean Rim-Association for Regional Cooperation and as a member of the ASEAN Regional Forum. This engagement will also continue. The policies of economic liberalisation introduced in recent years have increased our regional and global linkages and the Government shall deepen and strengthen these ties.

17. Our nuclear policy has been marked by restraint and openness. It has not violated any international agreements either in 1974 or now, in 1998. Our concerns have been made known to our interlocutors in recent years. The restraint exercised for 24 years, after having demonstrated our capability in 1974, is in itself a unique example. Restraint, however, has to arise from only when strength. It cannot be based upon indecision or doubt. Restraint is valid only when doubts are removed. The series of tests undertaken by India have led to the removal of doubts. The action involved was balanced in that it was the minimum necessary to maintain what is an irreducible component of our national security calculus. This Government's decision has, therefore, to be seen as part of a tradition of restraint that has characterised our policy in the past 50 years.

18. Subsequent to the tests Government has already stated that India will now observe a voluntary moratorium and refrain from conducting underground nuclear test explosions. It has also indicated willingness to move towards a de-jure formalisation of this declaration. The basic obligation of the CTBT are thus met; to refrain from undertaking nuclear test explosions. This voluntary declaration is intended to convey to the international community the seriousness of our intent for meaningful engagement. Subsequent decisions will be taken after assuring ourselves of the security needs of the country.
19. India has also indicated readiness to participate in negotiations in the Conference on Disarmament in Geneva on a Fissile Material Cut-off Treaty. The basic objective of this treaty is to prohibit future production of fissile materials for use in nuclear weapons or nuclear explosive devices. India's approach in these negotiations will be to ensure that this treaty emerges as a universal and non-discriminatory treaty, backed by an effective verification mechanism. When we embark on these negotiations, it shall be in the full confidence of the adequacy and credibility of the nation's weaponised nuclear deterrent.

20. India has maintained effective export controls on nuclear materials as well as related technologies even though we are neither a party to the NPT nor a member of the Nuclear Suppliers' Group. Nonetheless, India is committed to non-proliferation and the maintaining of stringent export controls to ensure that there is no leakage of our indigenously developed know-how and technologies. In fact, India's conduct in this regard has been better than some countries party to the NPT.

21. India has in the past conveyed our concerns on the inadequacies of the international nuclear non-proliferation regime. It has explained that the country was not in a position to join because the regime did not address our country's security concerns. These could have been addressed by moving towards global nuclear disarmament, our preferred approach. As this did not take place, India was obliged to stand aside from the emerging regime so that its freedom of action was not constrained. This is the precise path that has continued to be followed unwaveringly for the last three decades. That same constructive approach will underlie India's dialogue with countries that need to be persuaded of our serious intent and willingness to engage so that mutual concerns are satisfactorily addressed. The challenge to Indian statecraft is balancing and reconciling India's security imperatives with valid international concerns in this regard.

22. The House is aware of the different reactions that have emanated from the people of India and from different parts of the world. The overwhelming support
of the citizens of India is a source of strength for the Government. It not only
tells that this decision was right but also that the country wants a focussed
leadership, which attends to national security needs. This the Government
pledges to do as a sacred duty. The Government have also been greatly
heartened by the outpouring of support from Indians abroad. They have, with
one voice, spoken in favour of the Government's action. The Government
conveys its profound gratitude to the citizens of India and to Indians abroad, and
looks to them for support in the difficult period ahead.

23. In this, the fiftieth year of our independence, India stands at a defining moment
in our history. The rationale for the Government's decision is based on the same
policy tenets that have guided the country for five decades. These policies were
sustained successfully because of the underlying national consensus. The present
decision and future actions will continue to reflect a commitment to sensibilities
and obligations of an ancient civilisation, a sense of responsibility and restraint,
but a restraint born of the assurance of action, not of doubts or apprehension.
The Gita explains

*(Action is a process to reach a goal; action may reflect tumult but when measured
and focussed, will yield its objective of stability and peace.)*
APPENDIX -II

Draft Report of National Security Advisory Board on Indian Nuclear Doctrine August 17, 1999

1. Preamble
2. Objectives
3. Nuclear Forces
4. Credibility and Survivability
5. Command and Control
6. Security and Safety
7. Research and Development
8. Disarmament and Arms Control

Preamble

1. The use of nuclear weapons in particular as well as other weapons of mass destruction constitutes the gravest threat to humanity and to peace and stability in the international system. Unlike the other two categories of weapons of mass destruction, biological and chemical weapons which have been outlawed by international treaties, nuclear weapons remain instruments for national and collective security, the possession of which on a selective basis has been sought to be legitimised through permanent extension of the Nuclear Non-proliferation Treaty (NPT) in May 1995. Nuclear weapon states have asserted that they will continue to rely on nuclear weapons with some of them adopting policies to use them even in a non-nuclear context. These developments amount to virtual abandonment of nuclear disarmament. This is a serious setback to the struggle of the international community to abolish weapons of mass destruction.

2. India's primary objective is to achieve economic, political, social, scientific and technological development within a peaceful and democratic framework. This requires an environment of durable peace and insurance against potential risks to peace and stability. It will be India's endeavour to proceed towards this overall objective in cooperation with the global democratic trends and to play a constructive
role in advancing the international system toward a just, peaceful and equitable order.

3. Autonomy of decision making in the developmental process and in strategic matters is an inalienable democratic right of the Indian people. India will strenuously guard this right in a world where nuclear weapons for a select few are sought to be legitimised for an indefinite future, and where there is growing complexity and frequency in the use of force for political purposes.

4. India's security is an integral component of its development process. India continuously aims at promoting an ever-expanding area of peace and stability around it so that developmental priorities can be pursued without disruption.

5. However, the very existence of offensive doctrine pertaining to the first use of nuclear weapons and the insistence of some nuclear weapons states on the legitimacy of their use even against non-nuclear weapon countries constitute a threat to peace, stability and sovereignty of states.

6. This document outlines the broad principles for the development, deployment and employment of India's nuclear forces. Details of policy and strategy concerning force structures, deployment and employment of nuclear forces will flow from this framework and will be laid down separately and kept under constant review.

**Objectives**

In the absence of global nuclear disarmament India's strategic interests require effective, credible nuclear deterrence and adequate retaliatory capability should deterrence fail. This is consistent with the UN Charter, which sanctions the right of self-defence.

1. The requirements of deterrence should be carefully weighed in the design of Indian nuclear forces and in the strategy to provide for a level of capability consistent with maximum credibility, survivability, effectiveness, safety and security.

2. India shall pursue a doctrine of credible minimum nuclear deterrence. In this policy of "retaliation only", the survivability of our arsenal is critical. This is a dynamic concept related to the strategic environment, technological imperatives and the needs of national security. The actual size components, deployment and
employment of nuclear forces will be decided in the light of these factors. India's peacetime posture aims at convincing any potential aggressor that: (a) any threat of use of nuclear weapons against India shall invoke measures to counter the threat; and (b) any nuclear attack on India and its forces shall result in punitive retaliation with nuclear weapons to inflict damage unacceptable to the aggressor.

3. The fundamental purpose of Indian nuclear weapons is to deter the use and threat of use of nuclear weapons by any State or entity against India and its forces. India will not be the first to initiate a nuclear strike, but will respond with punitive retaliation should deterrence fail.

4. India will not resort to the use or threat of use of nuclear weapons against States which do not possess nuclear weapons, or are not aligned with nuclear weapon powers.

5. Deterrence requires that India maintain:
   (a) Sufficient, survivable and operationally prepared nuclear forces,
   (b) a robust command and control system,
   (c) effective intelligence and early warning capabilities, and
   (d) comprehensive planning and training for operations in line with the strategy, and
   (e) the will to employ nuclear forces and weapons

6. Highly effective conventional military capabilities shall be maintained to raise the threshold of outbreak both of conventional military conflict as well as that of threat or use of nuclear weapons.

**Nuclear Forces**

- India's nuclear forces will be effective, enduring, diverse, flexible, and responsive to the requirements in accordance with the concept of credible minimum deterrence. These forces will be based on a triad of aircraft, mobile land-based missiles and sea-based assets in keeping with the objectives outlined above. Survivability of the forces will be enhanced by a combination of multiple redundant systems, mobility, dispersion and deception.
The doctrine envisages assured capability to shift from peacetime deployment to fully employable forces in the shortest possible time, and the ability to retaliate effectively even in a case of significant degradation by hostile strikes.

**Credibility and Survivability**

The following principles are central to India's nuclear deterrent:

- **Credibility**: Any adversary must know that India can and will retaliate with sufficient nuclear weapons to inflict destruction and punishment that the aggressor will find unacceptable if nuclear weapons are used against India and its forces.

- **Effectiveness**: The efficacy of India's nuclear deterrent be maximised through synergy among all elements involving reliability, timeliness, accuracy and weight of the attack.

- **Survivability**:
  1. India's nuclear forces and their command and control shall be organised for very high survivability against surprise attacks and for rapid punitive response. They shall be designed and deployed to ensure survival against a first strike and to endure repetitive attrition attempts with adequate retaliatory capabilities for a punishing strike which would be unacceptable to the aggressor.
  2. Procedures for the continuity of nuclear command and control shall ensure a continuing capability to effectively employ nuclear weapons.

**Command and Control**

- Nuclear weapons shall be tightly controlled and released for use at the highest political level. The authority to release nuclear weapons for use resides in the person of the Prime Minister of India, or the designated successor(s).

- An effective and survivable command and control system with requisite flexibility and responsiveness shall be in place. An integrated operational plan, or a series of sequential plans, predicated on strategic objectives and a targeting policy shall form part of the system.
• For effective employment the unity of command and control of nuclear forces including dual capable delivery systems shall be ensured.

• The survivability of the nuclear arsenal and effective command, control, communications, computing, intelligence and information (C4I2) systems shall be assured.

• The Indian defence forces shall be in a position to, execute operations in an NBC environment with minimal degradation.

• Space based and other assets shall be created to provide early warning, communications, damage/detonation assessment.

Security and Safety

• **Security**: Extraordinary precautions shall be taken to ensure that nuclear weapons, their manufacture, transportation and storage are fully guarded against possible theft, loss, sabotage, damage or unauthorised access or use.

• **Safety** is an absolute requirement and tamper proof procedures and systems shall be instituted to ensure that unauthorised or inadvertent activation/use of nuclear weapons does not take place and risks of accident are avoided.

• **Disaster control**: India shall develop an appropriate disaster control system capable of handling the unique requirements of potential incidents involving nuclear weapons and materials.

Research and Development

• India should step up efforts in research and development to keep up with technological advances in this field.

• While India is committed to maintain the deployment of a deterrent which is both minimum and credible, it will not accept any restraints on building its R&D capability.
Disarmament and Arms Control

- Global, verifiable and non-discriminatory nuclear disarmament is a national security objective. India shall continue its efforts to achieve the goal of a nuclear weapon-free world at an early date.

- Since no-first use of nuclear weapons is India's basic commitment, every effort shall be made to persuade other States possessing nuclear weapons to join an international treaty banning first use.

- Having provided unqualified negative security assurances, India shall work for internationally binding unconditional negative security assurances by nuclear weapon states to non-nuclear weapon states.

- Nuclear arms control measures shall be sought as part of national security policy to reduce potential threats and to protect our own capability and its effectiveness.

- In view of the very high destructive potential of nuclear weapons, appropriate nuclear risk reduction and confidence building measures shall be sought, negotiated and instituted.

Opening Remarks by National Security Adviser Mr. Brajesh Mishra at the Release of Draft Indian Nuclear Doctrine August 17, 1999

Ladies & Gentlemen,

I am happy to present to you the draft of the Nuclear Doctrine prepared by the National Security Board. A copy has been placed in each of the seats in the hall. We have decided to make this document public in keeping with our position in favour of greater transparency in decision-making. Please note that this is a draft proposed by the NSAB and has not yet been approved by the Government. That will have to wait until after the general elections.

As our thinking on the nuclear tests has been fairly well publicised, I do not intend to go over the ground again. Suffice it to say that this was a step necessitated by the security environment and our need to ensure for ourselves the element of strategic autonomy in decision making which we will need in the coming years. Our position has all along been that global security would be enhanced by the universal elimination of all
nuclear weapons, and this remains our conviction today. Unfortunately, the indefinite extension of the Non-Proliferation Treaty in 1995 was in the reverse direction.

Our nuclear weapons are not country-specific but, as I mentioned earlier, are aimed at providing us the autonomy of exercising strategic choices in the best interest of our country, without fear or coercion in a nuclearised environment. That being so, we have adopted a policy of minimum deterrence as the basic building block of our nuclear thinking. Minimum but credible deterrence is the watchword of our nuclear doctrine. From this, flows the decision to adopt a no-first-use posture. We have therefore given unconditional guarantees to States that do not have nuclear weapons, or are not aligned with nuclear weapon powers.

A cardinal principle regarding the use of nuclear weapons is that of civilian control. Only the elected civilian leader of the country is empowered to authorise the use of nuclear weapons. As the recent operations in Kargil have demonstrated, our system and the political leadership, believe with great responsibility and restraint, as you would expect from the largest democracy in the world. This sense of responsibility will also guide our actions with regard to nuclear weapons. With these words, I have great pleasure in releasing the document for public discussion and debate.
APPENDIX-III

India - USA Joint Statement on India-USA Civil Nuclear Co-operation 18-July-2005

The following is the text of Indo-US Joint statement issued after the delegation level meeting between the Prime Minister Dr. Manmohan Singh and the US President Mr. George W. Bush in Washington DC on July 18, 2005.

Prime Minister Manmohan Singh and President Bush today declare their resolve to transform the relationship between their countries and establish a global partnership. As leaders of nations committed to the values of human freedom, democracy and rule of law, the new relationship between India and the United States will promote stability, democracy, prosperity and peace throughout the world. It will enhance our ability to work together to provide global leadership in areas of mutual concern and interest.

Building on their common values and interests, the two leaders resolve:

To create an international environment conducive to promotion of democratic values and to strengthen democratic practices in societies which wish to become more open and pluralistic.

To combat terrorism relentlessly. They applaud the active and vigorous counter terrorism co-operation between the two countries and support more international efforts in this direction. Terrorism is a global scourge and the one we will fight everywhere. The two leaders strongly affirm their commitment to the conclusion by September of a UN comprehensive convention against international terrorism.

The Prime Minister’s visit coincides with the completion of the Next Steps in Strategic Partnership (NSSP) initiative launched in January 2004. The two leaders agree that this provides the basis for expanding bilateral activities and commerce in space, civil nuclear energy and dual-use technology.

Drawing on their mutual vision for the U.S.-India relationship and our joint objectives as strong long-standing democracies, the two leaders agree on the following:
For the Economy:

Revitalize the U.S.-India Economic Dialogue and launch a CEO Forum to harness private sector energy and ideas to deepen the bilateral economic relationship.

Support and accelerate economic growth in both countries through greater trade, investment and technology collaboration.

Promote modernization of India’s infrastructure as a pre-requisite for the continued growth of the Indian economy. As India enhances its investment climate, opportunities for investment will increase.

Launch a U.S.-India Knowledge Initiative on Agriculture focused on promoting teaching, research, service and commercial linkages.

For Energy and the Environment:

Strengthen energy security and promote the development of stable and efficient energy markets in India with a view to ensuring adequate, affordable energy supplies and conscious of the need for sustainable development. These issues will be addressed through the U.S.-India Energy Dialogue.

Agree on the need to promote the imperatives of development and safeguarding the environment, commit to developing and deploying cleaner, more efficient, affordable and diversified energy technologies.

For Democracy and Development:

Develop and support through the new U.S.-India Global Democracy Initiative in countries that seek such assistance, institutions and resources that strengthen the foundations that make democracies credible and effective. India and the U.S. will work together to strengthen democratic practices and capacities and contribute to the new U.N. Democracy Fund.

Commit to strengthen co-operation and combat HIV/AIDs at a global level through an initiative that mobilizes private sector and government resources, knowledge and expertise.
For Non-Proliferation and Security:

Express satisfaction at the New Framework for the U.S.-India Defence Relationship as a basis for future co-operation including in the field of defence technology.

Commit to play a leading role in international efforts to prevent the proliferation of Weapons of Mass Destruction. The U.S. welcomed the adoption by India of legislation on WMD (Prevention of Unlawful Activities Bill).

Launch a new U.S.-India Disaster Relief Initiative that builds on the experience of the Tsunami Core Group to strengthen co-operation to prepare for and conduct disaster relief operations.

For High-Technology and Space

Sign a Science and Technology Framework Agreement building on the U.S.–India High-Technology Co-operation Group (HTCG) to provide for joint research and training and the establishment of public-private partnerships.

Build closer ties in space exploration, satellite navigation and launch and in the commercial space arena through mechanisms such as the U.S.-India Working Group on Civil Space Co-operation.

Building on the strengthened non-proliferation commitments undertaken in the NSSP to remove certain Indian organizations from the Department of Commerce’s Entity List.

Recognizing the significance of civilian nuclear energy for meeting growing global energy demands in a cleaner and more efficient manner, the two leaders discussed India’s plans to develop its civilian nuclear energy program.

President Bush conveyed his appreciation to the Prime Minister over India’s strong commitment to preventing WMD proliferation and stated that as a responsible state with advanced nuclear technology, India should acquire the same benefits and advantages as other such states. The President told the Prime Minister that he will work to achieve full civil nuclear energy co-operation with India as it realizes its goals of promoting nuclear power and achieving energy security. The President would also seek agreement from Congress to adjust U.S. laws and policies and the United States will work with friends and allies to adjust international regimes to enable full civil nuclear energy co-operation
and trade with India including but not limited to expeditious consideration of fuel
supplies for safeguarded nuclear reactors at Tarapur. In the meantime, the United States
will encourage its partners to also consider this request expeditiously. India has
expressed its interest in ITER and a willingness to contribute. The United States will
consult with its partners considering India’s participation. The United States will
consult with the other participants in the Generation IV International Forum with a view
toward India’s inclusion.

The Prime Minister conveyed that for his part, India would reciprocally agree that it
would be ready to assume the same responsibilities and practices and acquire the same
benefits and advantages as other leading countries with advanced nuclear technology
such as the United States. These responsibilities and practices consist of identifying and
separating civilian and military nuclear facilities and programs in a phased manner and
filing a declaration regarding its civilians facilities with the International Atomic
Energy Agency (IAEA), taking a decision to place voluntarily its civilian nuclear
facilities under IAEA safeguards, signing and adhering to an Additional Protocol with
respect to civilian nuclear facilities, continuing India’s unilateral moratorium on nuclear
testing, working with the United States for the conclusion of a multilateral Fissile
Material Cut Off Treaty, refraining from transfer of enrichment and reprocessing
technologies to states that do not have them and supporting international efforts to limit
their spread; and ensuring that the necessary steps have been taken to secure nuclear
materials and technology through comprehensive export control legislation and through
harmonization and adherence to Missile Technology Control Regime (MTCR) and
Nuclear Suppliers Group (NSG) guidelines.

The President welcomed the Prime Minister’s assurance. The two leaders agreed to
establish a working group to undertake on a phased basis in the months ahead the
necessary actions mentioned above to fulfil these commitments. The President and
Prime Minister also agreed that they would review this progress when the President
visits India in 2006.
The two leaders also reiterated their commitment that their countries would play a leading role in international efforts to prevent the proliferation of weapons of mass destruction, including nuclear, chemical, biological and radiological weapons.

In light of this closer relationship and the recognition of India’s growing role in enhancing regional and global security, the Prime Minister and the President agree that international institutions must fully reflect changes in the global scenario that have taken place since 1945. The President reiterated his view that international institutions are going to have to adapt to reflect India’s central and growing role. The two leaders state their expectations that India and the United States will strengthen their cooperation in global forums.

Prime Minister Manmohan Singh thanks President Bush for the warmth of his reception and the generosity of his hospitality. He extends an invitation to President Bush to visit India at his convenience and the President accepts that invitation."
APPENDIX -IV

Excerpts from Prime Minister’s Reply to Discussion in Rajya Sabha on Civil Nuclear Energy Co-operation with the United States on August 17, 2006

1. At the outset, I would like to convey my gratitude to all the Hon’ble Members who have participated in this debate. I am grateful for this opportunity to clarify some of the issues arising from the discussion. I will do so in a non-partisan spirit and I have every reason to believe that after I have finished that I will be able to carry the whole House with me. Our Government has never shied away from a full discussion in Parliament on this important issue. On three previous occasions on July 29, 2005, February 27, 2006 and March 7, 2006, I had made detailed statements and discussed this important subject in this august House. Once again, several issues have been raised during the current discussions and I wish to take this opportunity to respond to them. I also intend to cover developments since my last Suo Motu statement of March 7 this year.

2. Two types of comments have been made during the discussion in the House. The first set of issues pertains to the basic orientation of our foreign policy. Some Hon’ble Members have observed that by engaging in discussions with, and allegedly acquiescing in the demands made by the United States, we have compromised the independent nature of our foreign policy.

3. The second set of issues pertain to deviations from the July 18 Joint Statement and the March 2 Separation Plan. Many of the points raised by the Hon’ble Members have also been aired outside Parliament, notably also by some senior members of the scientific establishment. Overall, a listing of the important concerns include the following: that the India-US Nuclear initiative and more particularly the content of the proposed legislation in the US Congress could undermine the autonomy of our decision-making, limit the options or compromise the integrity of our strategic programme and adversely affect the future of our scientific research and development. To sum up, this would suggest that India’s strategic nuclear autonomy is being compromised and India is allowing itself to be pressurized into accepting new and unacceptable conditions.
that are deviations from the commitments made by me to Parliament in July 2005 and in February and March this year.

4. I recognize that many of these concerns are borne out of genuine conviction that nothing should be done that would undermine long standing policies that have a bearing on India’s vital national security interests. I fully share and subscribe to these sentiments. I would like to assure the Hon’ble Members that negotiations with the US regarding the civilian nuclear deal have not led to any change in the basic orientation of our policies or affected our independent judgment of issues of national interest. Last year during my visit to the US, I addressed the National Press Club in the full glare of the media. A question was put to me regarding what I thought about the US intervention in Iraq. In the full public glare of the media, I said that it was a mistake. I said the same to President Bush when he visited India. I said India does not find favour with regime change.

5. The thrust of our foreign policy remains the promotion of our national interest. We are unswerving in our commitment to an independent foreign policy. We do recognize the complexities present in an increasingly inter-dependent and multi-polar world. While we recognize that the United States is a pre-eminent power and good relations with the U.S. are in our national interest, this has not in any way clouded our judgment. There are many areas of agreement with the United States, but at the same time there are a number of areas in which we have differences and we have not shied away from making these known to the US, as also expressing them in public. Currently, we are engaged not only with the US but other global powers like Russia, China, EU, UK, France and Japan. We are also focusing on ASIAN, as well as countries in West Asia, Africa and Latin America. More importantly, we are devoting proportionately larger time and effort in building relations with countries in our immediate neighbourhood like Nepal, Bhutan, Sri Lanka, Bangladesh, Myanmar, and Pakistan. Our relations with all these countries are determined by the dictates of our enlightened national interest and we have not allowed any other country, including the United States, to influence our polices. This will not change as long as I am Prime Minister.
6. I would, hence, again reiterate in view of the apprehensions expressed, that the proposed US legislation on nuclear co-operation with India will not be allowed to become an instrument to compromise India’s sovereignty. Our foreign policy is determined solely by our national interests. No legislation enacted in a foreign country can take away from us that sovereign right. Thus, there is no question of India being bound by a law passed by a foreign legislature. Our sole guiding principle in regard to our foreign policy, whether it is on Iran or any other country will be dictated entirely by our national interest.

7. Let me now turn to some of the concerns that have been expressed on the second set of issues regarding possible deviations from assurances given by me in this august House on the July 18, 2005 Joint Statement and the March 2, 2006 Separation Plan. I would like to state categorically that there have neither been nor will there be any compromises on this score and the Government will not allow such compromises to occur in the future.

8. Hon’ble Members will recall that during President Bush’s visit to India in March this year, agreement was reached between India and the United States on a Separation Plan in implementation of the India-United States Joint Statement of July 18, 2005. This Separation Plan had identified the nuclear facilities that India was willing to offer in a phased manner for IAEA safeguards, contingent on reciprocal actions taken by the United States. For its part, the United States Administration was required to approach the US Congress for amending its laws and the Nuclear Suppliers’ Group for adapting its Guidelines to enable full civilian nuclear co-operation between India and the international community.

9. The US Administration had thereafter approached the US Congress to amend certain provisions of the United States Atomic Energy Act of 1954 which currently prohibit civil nuclear co-operation with India. The US House of Representatives International Relations Committee passed a Bill on the subject on 27th June, 2006. The House of Representatives passed the Bill as approved by its International Relations Committee on July 27.
10. The Senate Foreign Relations Committee passed its version of the Bill on June 29, 2006. The US Senate is now expected to vote on this version of the Bill sometime in September. We have concerns over both the House and Senate versions of the Bill. Since the two Bills are somewhat different in content according to US practice they will need to be reconciled to produce a single piece of legislation. After adoption by both the House and the Senate this would become law when the US President accords his approval. The final shape of the legislation would therefore, be apparent only when the House and the Senate complete the second stage of assent/adoption.

11. Meanwhile, the US Government has approached the Nuclear Suppliers’ Group to adapt its guidelines to enable full civil nuclear co-operation between India and the International community. In March this year, the NSG at its plenary meeting in Brazil held a preliminary discussion on this issue. The matter will be further discussed by the Nuclear Suppliers’ Group later this year. On our part, we have separately raised this issue with several countries and urged them to lift the existing restrictions on nuclear supplies to India. I myself have raised this issue with the Heads of State or Government of Russia, France, UK, Japan, Germany, Brazil, Norway, Iceland and Cyprus among others.

12. In view of the concerns voiced by the Hon’ble Members, I shall try to address each of these concerns in some detail. I shall, however, begin by affirming that our approach is guided by the understandings contained in the July 2005 Joint Statement and the March 2006 Separation Plan. What we can agree with the United States to enable nuclear co-operation must be strictly within these parameters.

13. The key provisions to which references have been made in Parliament and outside are the following:

i. **Full Civil Nuclear Co-operation:** The central imperative in our discussions with the United State on Civil Nuclear Co-operation is to ensure the complete and irreversible removal of existing restrictions imposed on India through iniquitous restrictive trading regimes over the years. We seek the removal of
restrictions on all aspects of co-operation and technology transfers pertaining to civil nuclear energy - ranging from nuclear fuel, nuclear reactors to re-processing spent fuel i.e. all aspects of a complete nuclear fuel cycle.

This will be the surest guarantee of India’s acceptance as a full and equal partner of the international nuclear community even while preserving the integrity of our three stage nuclear programme and protecting the autonomy of our scientific research and development. We will not agree to any dilution that would prevent us from securing the benefits of full civil nuclear co-operation as amplified above.

ii. **Principle of Reciprocity:** I had earlier assured the House that reciprocity is the key to the implementation of our understanding contained in the July 2005 Statement. I stand by that commitment. When we put forward the Separation Plan, we again made it clear to the United States that India could not be expected to take on obligations such as placing its nuclear facilities under safeguards in anticipation of future lifting of restrictions. India and the United States have held one round of discussions on a proposed bilateral co-operation agreement. India and the IAEA have held technical discussions regarding an India-Specific Safeguards Agreement. Further discussions are required on both these documents. While these parallel efforts are underway, our position is that we will accept only IAEA safeguards on the nuclear facilities in a phased manner and as identified for that purpose in the Separation Plan only when all nuclear restrictions on India have been lifted. On July 29 last year, I had stated that before voluntarily placing our civil nuclear facilities under IAEA safeguards, we will ensure that all restrictions on India have been lifted. There has been no shift in our position on this point.

iii. **Certification:** The draft Senate Bill requires the US President to make an annual report to the Congress that includes certification that India is in full compliance of its non-proliferation and other commitments. We have made it clear to the United States our opposition to these provisions even if they are projected as non-binding on India, as being contrary to the letter and spirit of the July
Statement. We have told the US Administration that the effect of such certification will be to diminish a permanent waiver authority into an annual one. We have also indicated that this would introduce an element of uncertainty regarding future co-operation and is not acceptable to us.

iv. **India as a State possessing Advanced Nuclear Technology:** Hon’ble Members may recall that the July Statement had acknowledged that India should be regarded as a State with advanced nuclear technology enjoying the same advantages and benefits as other states with advanced nuclear technology such as the US. The July Statement did not refer to India as a Nuclear Weapons State because that has a particular connotation in the NPT but it explicitly acknowledged the existence of India’s military nuclear facilities. It also meant that India would not attract full-scope safeguards such as those applied to Non-Nuclear Weapon States that are signatories to the NPT and there would be no curbs on continuation of India’s nuclear weapon related activities. In these important respects, India would be very much on par with the five Nuclear Weapon States who are signatories to the NPT. Similarly, the Separation Plan provided for an India-specific safeguards agreement with the IAEA with assurances of uninterrupted supply of fuel to reactors that would be placed under IAEA safeguards together with India’s right to take corrective measures in the event fuel supplies are interrupted. We have made clear to the US that India’s strategic programme is totally outside the purview of the July Statement and we oppose any legislative provisions that mandate scrutiny of either our nuclear weapons programme or our unsafeguarded nuclear facilities.

v. **Safeguards Agreement and Fuel Assurances:** In this respect too, it is worth emphasizing that the March 2006 Separation Plan provides for an India-Specific Safeguards Agreement with the IAEA with assurances of uninterrupted supply of fuel to reactors that would be placed under IAEA safeguards together with India’s right to take corrective measures in the event fuel supplies are interrupted. We, of course, have the sovereign right to take all appropriate measures to fully safeguard our interests. An important assurance is the commitment of support for India’s right to build up strategic reserves of nuclear
fuel over the lifetime of India’s reactors. We have initiated technical discussions at the expert level with the IAEA on an India-Specific Safeguards Agreement. Both the Bilateral Nuclear Co-operation Agreement with the United States and the India-Specific Safeguards Agreement with the IAEA would be only within the parameters of the July Statement and the March Separation Plan. There is no question of India signing either a Safeguards Agreement with the IAEA or an Additional Protocol of a type concluded by Non-Nuclear Weapons States who have signed the NPT. We will not accept any verification measures regarding our safeguarded nuclear facilities beyond those contained in an India-Specific Safeguards Agreement with the IAEA. Therefore there is no question of allowing American inspectors to roam around our nuclear facilities.

vi. **Integrity and reliability of our strategic programme – autonomy of decision-making and future scientific research and development:** In my statement of March 7, 2006, I had assured Parliament that the Separation Plan would not adversely affect our strategic programme. I reiterate that commitment today. The Separation Plan has been so designed as to ensure adequacy of fissile material and other inputs for our strategic programme based on our current and assessed future needs. The integrity of our 3-Stage nuclear programme will not be affected. The autonomy of our Research and Development activity including development of our fast breeder reactors and the thorium programme in the nuclear field will remain unaffected. We will not accept interference by other countries vis-à-vis the development of our strategic programme. We will not allow external scrutiny of our strategic programme in any manner, much less allow it to be a condition for future nuclear co-operation between India and the international community.

vii. **Moratorium on production of fissile material:** Our position on this matter is unambiguous. We are not willing to accept a moratorium on the production of fissile material. We are only committed to negotiate a Fissile Material Cut-off Treaty in the Conference on Disarmament in Geneva, a commitment which was given by the previous government. India is willing to join only a non-discriminatory, multilaterally negotiated and internationally verifiable FMCT as
and when it is concluded in the Conference on Disarmament again provided our
security interests are fully addressed.

viii. **Non-discriminatory Global Nuclear Disarmament:** Our commitment towards
non-discriminatory global nuclear disarmament remains unwavering in line with
the Rajiv Gandhi Action Plan. There is no dilution on this count. We do not
accept proposals put forward from time to time for regional non-proliferation or
regional disarmament. Pending global nuclear disarmament, there is no question
of India joining the NPT as a non-nuclear weapon state or accepting full-scope
safeguards as a requirement for nuclear supplies to India now or in the future.

ix. **Cessation of Future Co-operation:** There is provision in the proposed US law
that were India to detonate a nuclear explosive device, the US will have the right
to cease further co-operation. Our position on this is unambiguous. The US has
been intimated that reference to nuclear detonation in the India-US Bilateral
Nuclear Co-operation Agreement as a condition for future co-operation is not
acceptable to us. We are not prepared to go beyond a unilateral voluntary
moratorium on nuclear testing as indicated in the July Statement. The same is
ture of other intrusive non-proliferation benchmarks that are mentioned in the
proposed US legislation. India’s possession and development of nuclear
weapons is an integral part of our national security. This will remain so.

14. Hon’ble Members will appreciate the fact that an international negotiation on
nuclear energy co-operation particularly when it involves dismantling restrictive
regimes that have lasted for over three decades is a complex and sensitive
exercise. What we are attempting today is to put in place new international
arrangements that would overturn three decades of iniquitous restrictions. It is
inevitable, therefore, that there would be some contradictory pulls and pressures.
This does not mean that India will succumb to pressures or accept
conditionalities that are contrary to its national interests.

15. I had personally spoken to President Bush in St. Petersburg last month on this
issue, and conveyed to him that the proposed US legislation must conform
strictly to the parameters of the July 18, 2005 Statement and the March 2, 2006
Separation Plan. This alone would be an acceptable basis for nuclear co-operation between India and the United States. India cannot and is not prepared to take on additional commitments outside this agreed framework or allow any extraneous issues to be introduced. I have received an assurance from the US President that it was not his intention to shift goalposts and that the parameters of the scope of co-operation would be those contained in the July 2005 Joint Statement and the March 2006 Separation Plan. A White House Statement of Administration Policy of July 26, 2006 recognizes some though not all of India’s concerns and conveyed that the Administration has voiced them with the Congress.

16. I can assure you that there is no ambiguity in our position in so far as it has been conveyed to the US. The US is aware of our position that the only way forward is strict adherence to July Statement and March Separation Plan. I am hopeful that the bilateral India-US Civil Nuclear Co-operation Agreement when concluded will take into account the issues raised here. However, I must be honest and frank that I cannot predict with certainty the final form of the US legislation or the outcome of this process with the NSG which consists of 45 countries with divergent views. We are hopeful that this will lead in a direction wherein our interests are fully protected and that there is a complete lifting of restrictions on India that have existed for three decades. Such an outcome if it materializes will contribute to our long-term energy security by enabling a rapid increase in nuclear power. It would lead to the dismantling of the technology denial regimes that have hampered our development particularly in hi-tech sectors. I will have wide consultations including with the members of the Atomic Energy Commission, the nuclear and scientific communities and others to develop a broad based national consensus on this important matter. I wish to inform members of the House that I have invited members of the Atomic Energy Commission on the 26th August for a meeting. That same day I have also invited the group of distinguished scientists who have expressed concerns to meet me.
17. Finally, I would only like to state that in keeping with our commitments to Parliament and the nation, we will not accept any conditions that go beyond the parameters of the July 18, 2005 Joint Statement and the March 2, 2006 Separation Plan, agreed to between India and the United States. If in their final form the US legislation or the adapted NSG Guidelines impose extraneous conditions on India, the Government will draw the necessary conclusions consistent with the commitments I have made to Parliament.

[Prime Minister also gave the following responses to points raised by the Left parties]

1. **Whether the deal will give “full” civilian nuclear technology and lift all existing sanctions on dual use technology imposed on India for not signing the NPT.**

   **Response:** The objective of full civil nuclear co-operation is enshrined in the July Statement. This objective can be realized when current restrictions on nuclear trade with India are fully lifted. In accordance with the July Statement, US has initiated steps to amend its legislation and to approach the NSG to adapt its guidelines. We seek the removal of restrictions on all aspects of co-operation and technology transfers pertaining to civil nuclear energy – ranging from supply of nuclear fuel, nuclear reactors, reprocessing spent fuel i.e. all aspects of complete nuclear fuel supply. Only such co-operation would be in keeping with the July Joint Statement.

2. **Cannot accept restrictions on Indian foreign policy to be imposed such as on Iran, irrespective of whether it is in the policy section or in the sense of the House section of the legislation.**

   **Response:** Government is clear that our commitments are only those that are contained in the July Joint Statement and in the Separation Plan. We cannot accept introduction of extraneous issues on foreign policy. Any prescriptive suggestions in this regard are not acceptable to us.

   Our foreign policy is and will be solely determined by our national interests. No legislation enacted in a foreign country can take away from us this sovereign right.
3. **Signing of IAEA safeguards in perpetuity for the civilian programme to take place after the US Congress had approved a “123 Nuclear Co-operation Agreement”. All restrictions on India to be lifted before we sign the IAEA safeguards.**

**Response:** I had conveyed to Parliament on July 29, 2005 on my return from Washington that before placing any of our nuclear facilities under IAEA safeguards, we will ensure all restrictions on India have been lifted. Under the Separation Plan agreed to with the United States, India has offered to place under IAEA safeguards 14 of its reactors presently operating or under constructions between 2006 and 2014. The nuclear facilities listed in the Separation Plan will be offered for safeguards only after all nuclear restrictions have been lifted on India. This would include suitable amendments to the US legislation to allow for such co-operation, the passing of the bilateral agreement with India and the adaption of the NSG guidelines. It is clear that India cannot be expected to take safeguards obligations on its nuclear facilities in anticipation of future lifting of restrictions.

4. **Guarantees on fuel as agreed in the March 2006 statement. In case the US reneges on supply of fuel, they will ensure continuity through other members of the Nuclear Suppliers Group (NSG).**

**Response:** Separation Plan includes elaborate fuel supply assurances given by the United States. Understandings in the Separation Plan also provide for contingency of disruption of fuel supplies to India. In such a case, the United States and India would jointly convene a group of friendly supplier countries (Russia, France and United Kingdom) aimed at restoring fuel supplies to India. An important assurance is the commitment of support for India’s right to build strategic reserves of fuel over the lifetime of its nuclear reactors. In the event of disruption of fuel supplies despite the assurances, India will have a right to take corrective measure to ensure the operation of its nuclear reactors.

5. **India will work for an FMCT and for nuclear disarmament with all nuclear weapon states in line with the Rajiv Gandhi Plan or Delhi Declaration in tandem.**
Response: Our support for global nuclear disarmament remains unwaivering. Prime Minister Rajiv Gandhi had put forward an Action Plan in the 1988 UNGA Special Session on Disarmament. We remain committed to the central goal of this Action Plan i.e. complete elimination of nuclear weapons leading to global nuclear disarmament in a time-bound framework. India has agreed to negotiations in the Conference on Disarmament in Geneva for a Fissile Material Cut-off Treaty. There has been no change in our position on this matter.

6. **In the original deal, there is no provision for US inspectors, only provision for IAEA inspectors. The draft US Bills contains such provisions.**

   **Response:** In the Separation Plan, we have agreed to offer for IAEA safeguards nuclear facilities specified in the Separation Plan for that purpose. The nature of safeguards will be determined by an India specific safeguards agreement with the IAEA. This will be applied to the safeguarded nuclear facilities in India. Therefore, there is no question of accepting other verification measures or third country inspectors to visit our nuclear facilities outside the framework of the India specific safeguards agreement.

7. **An India-specific protocol and not an Additional Protocol as per IAEA Standard Modified Protocol.**

   **Response:** In the Separation Plan, we have agreed to conclude an India specific safeguards agreement with the IAEA. The question of an Additional Protocol will arise only after the India specific safeguards agreement is in place. As a country with nuclear weapons, there is no question of India agreeing to a Safeguards agreement or an Additional Protocol applicable to non-nuclear weapon states of the NPT.

8. **References to Iran in the House Bill.**

   **Response:** We reject the linkage of any extraneous issue to the nuclear understanding. India’s foreign policy will be decided on the basis of Indian national interests only.
9. **Reference to Proliferation Security Initiative in the House and Senate Bills.**

**Response:** The Proliferation Security Initiative (PSI) is an extraneous issue as it is outside the framework of the July 18 Joint Statement. Therefore, we cannot accept it as a condition for implementing the July Statement. Separately, the Government has examined the PSI. We have certain concerns regarding its legal implications and its linkages with the NPT. We also have concerns with amendments to the suppression of Unlawful Activities at Sea Treaty under the International Maritime Organisation.

10. **The Jackson-Vanik Amendment linking the granting of MFN status to USSR to Jewish emigration is an example relevant to the current debate.**

**Response:** We have studied the proposed US legislation very carefully, including the so-called binding and non-binding provisions. The non-binding provisions do not require mandatory action, but at the same time, have a certain weight in the implementation of the legislation as a whole. We have conveyed our concerns to the US Administration in this respect. Jackson-Vanik Amendment was binding on the Administration and cannot be cited as a precedent for non-binding references in the current bills. A more accurate example than the Jackson-Vanik Amendment is the set of provisions accompanying the renewal of MFN status to China that included references to China’s human rights, China’s political and religious prisoners, protection of Tibetan heritage and freedom of political expression.

11. **Role of Parliament in approving foreign policy.**

**Response:** India follows a Parliamentary model as specified in our Constitution, wherein treaty making powers rest with the Executive. However, we have kept Parliament fully in the picture regarding various stages of our negotiations with the United States. Broad based domestic consensus cutting across all sections in Parliament and outside will be necessary. We will work towards that objective by addressing various concerns as fully as possible.
Prime Minister also gave the following responses to points raised by the group of nuclear scientists:

1. “India should continue to be able to hold on to her nuclear option as a strategic requirement in the real world that we live in and in the ever-changing complexity of the international political system. This means that we cannot accede to any restraint in perpetuity on our freedom of action. We have not done this for the last 40 years after the Non-Proliferation Treaty came into being and there is no reason why we should succumb to this now. Universal nuclear disarmament must be our ultimate aim and until we see the light at the end of the tunnel on this important issue, we cannot accept any agreement in perpetuity.”

Response: We are very firm in our determination that agreement with United States on Civil Nuclear Energy in no way affects the requirements of our strategic programme. We are fully conscious of the changing complexity of the international political system. Nuclear weapons are an integral part of our national security and will remain so, pending the global elimination of all nuclear weapons and universal non-discriminatory nuclear disarmament. Our freedom of action with regard to our strategic programmes remains unrestricted. The nuclear agreement will not be allowed to be used as a backdoor method of introducing NPT type restrictions on India. Our offer to put nuclear facilities under safeguards in perpetuity is conditional upon these facilities securing fuel from international sources for their lifetime. If the fuel supply assurances as enumerated in Separation Plan are disrupted, then India will have the right to take corrective measures to ensure the continued operation of these reactors.

2. ‘After 1974, when the major powers discontinued co-operation with us, we have built up our capability in many sensitive technological areas which need not and should not now be subjected to external control. Safeguards are understandable where external assistance for nuclear materials or technologies are involved. We have agreed to this before and we can continue to agree to this in the future too, but strictly restricted to those facilities and materials imported from external sources’.
Response: Sensitive nuclear technology facilities have not been covered in the Separation Plan. Therefore, there is no question of putting them under safeguards or under external controls. Even with regard to nuclear facilities that have been included in Separation Plan, safeguards will be applied in phases between 2006 and 2014. These safeguarded facilities will be eligible for and will receive fuel materials and technology from international sources. If such supplies cease, then India will be free to protect its interests through corrective measures. That will be spelt out clearly in the India specific safeguards agreement.

3. ‘We find that the Indo-US deal in the form approved by the US House of Representatives, infringes on our Independence for carrying out indigenous research and development in nuclear science and technology. Our R&D should not be hampered by external supervision or control or by the need to satisfy any international body. Research and technology development are the Sovereign rights of any nation. This is especially true when they concern strategic national defence and energy self-sufficiency’.

Response: Our independence for carrying out independent research and development in nuclear science and technology will remain unaffected. There will be no external supervision of our R&D since none of the sensitive R&D facilities which handle nuclear material have been included in the Separation Plan. Nothing in the Separation Plan infringes on our sovereign right to conduct research and technology development concerning our national defence and energy self-sufficiency. Government is committed to preserve the integrity of the three stage nuclear power programme, including utilization of our vast thorium resources. Certain nuclear facilities including centers such as TIFR, Variable Energy Cyclotron Centre, Saha Institute of Nuclear Physics etc. have been designated as civilian in the Separation Plan. As these facilities will not handle nuclear material, there is no question of safeguards being applied to them. We expect these centers to participate as full partners in international collaboration project.

4. ‘While the sequence of actions to implement the co-operation could be left for discussion between the two governments, the basic principles on which such actions will rest is the right of Parliament and the people to decide. The Prime
Minister has already taken up with President George Bush the issue of the new clauses recommended by the US House of Representatives. If the US Congress, in its wisdom passes the bill in its present form, the ‘product’ will become unacceptable to India and diplomatically it will be very difficult to change it later. Hence, it is important for our Parliament to work out and insist on the ground rules for the nuclear deal at this stage itself’.

**Response:** I had taken up with President Bush our concerns regarding provisions in the two bills. It is clear that if the final product is in its current form, India will have grave difficulties in accepting the bills. US has been left in no doubt as to our position. The ground rules for our discussions are clear. These are the parameters of the July Statement and the March Separation Plan and commitments given by me to Parliament in the three Suo Moto Statements and my reply to today’s discussions will be the guiding principles of our position. Parliament has been kept fully informed at every stage of the discussions. In their final form, if US legislation or the NSG guidelines impose extraneous conditions on India, the Government will draw the necessary conclusions consistent with my commitments to Parliament.
APPENDIX -V

India’s final Nuclear Separation Plan: Official text as presented to the Parliament

**Implementation of the India-U.S. Joint Statement of July 18, 2005:**

**India’s Separation Plan**

[As presented to Parliament on May 11, 2006, by Prime Minister Manmohan Singh]

The resumption of full civilian nuclear energy cooperation between India and the United States arose in the context of India's requirement for adequate and affordable energy supplies to sustain its accelerating economic growth rate and as recognition of its growing technological prowess. It was preceded by discussions between the two Governments, particularly between President Bush and Prime Minister Manmohan Singh, of the global energy scenario and the long-term implications of increasing pressure on hydrocarbon resources and rising oil prices. These developments led to the announcement in April 2005 of an Indo-US Energy Dialogue that encompassed the entire spectrum of energy options ranging from oil and gas to coal, alternative fuels and civilian nuclear energy. Through the initiation of a sustained dialogue to address energy security concerns, the two countries sought to promote stable, efficient, predictable and cost effective solutions for India's growing requirements. At the same time, they also agreed on the need to develop and deploy cleaner, more efficient, affordable and diversified energy technologies to deal with the environmental implications of energy consumption. India had developed proven and wide-ranging capabilities in the nuclear sector, including over the entire nuclear fuel cycle. It is internationally recognized that India has unique contributions to make to international efforts towards meeting these objectives. India has become a full partner in ITER, with the full support of the US and other partners. India also accepted the US invitation to join the initiative on Clean Development Partnership.

**U.S. undertaking**

Noting the centrality of civilian nuclear energy to the twin challenges of energy security and safeguarding the environment, the two Governments agreed on 18 July 2005 to
undertake reciprocal commitments and responsibilities that would create a framework for the resumption of full cooperation in this field. On its part, the United States undertook to:

- Seek agreement from the Congress to adjust US laws and policies to achieve full civil nuclear energy cooperation.
- Work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India, including but not limited to expeditious consideration of fuel supplies for safeguarded nuclear reactors at Tarapur.
- In the meantime, encourage its partners to consider fuel supply to Tarapur expeditiously.
  - To consult with its partners to consider India's participation in ITER.
  - To consult with other participants in the Generation-IV International Forum with a view towards India's inclusion.

India had conveyed its readiness to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States. Accordingly, India for its part undertook the following commitments:

- Identifying and separating civilian and military nuclear facilities and programmes in a phased manner.
- Filing a declaration regarding its civilian facilities with the IAEA.
Taking a decision to place voluntarily its civilian nuclear facilities under IAEA safeguards, and

- Signing and adhering to an Additional Protocol with respect to civilian nuclear facilities.

Other commitments undertaken by India have already been fulfilled in the last year. Among them are:

- India's responsible non-proliferation record, recognized by the US, continues and is reflected in its policies and actions.
- The harmonization of India's export controls with NSG [Nuclear Suppliers' Group] and MTCR [Missile Technology Control Regime] Guidelines even though India is not a member of either group. These guidelines and control lists have been notified and are being implemented.
- A significant upgrading of India's non-proliferation regulations and export controls has taken place as a result of the Weapons of Mass Destruction Act of May 2005. Inter-Ministerial consultations are ongoing to examine and amend other relevant Acts as well as framing appropriate rules and regulations.
- Refrain from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread. This has guided our policy on non-proliferation.
Appendices

- Continued unilateral moratorium on nuclear testing, and
- Willingness to work with the United States for the conclusion of a multilateral Fissile Material Cut-off Treaty.

The Joint Statement of July 18, 2005, recognized that India is ready to assume the same responsibilities and practices as other leading countries with advanced nuclear technology, such as the United States. India has an impeccable record in non-proliferation. The Joint Statement acknowledges that India's nuclear programme has both a military and a civilian component. Both sides had agreed that the purpose was not to constrain India's strategic programme but to enable resumption of full civil nuclear energy cooperation in order to enhance global energy and environmental security. Such cooperation was predicated on the assumption that any international civil nuclear energy cooperation (including by the U.S.) offered to India in the civilian sector should, firstly, not be diverted away from civilian purposes, and secondly, should not be transferred from India to third countries without safeguards. These concepts will be reflected in the Safeguards Agreement to be negotiated by India with IAEA.

India's nuclear programme is unique as it is the only state with nuclear weapons not to have begun with a dedicated military programme. It must be appreciated that the strategic programme is an offshoot of research on nuclear power programme and consequently, it is embedded in a larger undifferentiated programme. Identification of purely civilian facilities and programmes that have no strategic implications poses a particular challenge. Therefore, facilities identified as civilian in the Separation Plan will be offered for safeguards in phases to be decided by India. The nature of the facility concerned, the activities undertaken in it, the national security significance of materials and the location of the facilities are factors taken into account in undertaking the separation process. This is solely an Indian determination.
Three-stage programme

1. The nuclear establishment in India not only built nuclear reactors but promoted the growth of a national industrial infrastructure. Nuclear power generation was envisaged as a three-stage programme with PHWRs [pressurized heavy water reactors] chosen for deployment in the first stage. As indigenous reactors were set up, several innovative design improvements were carried out based on Indian R&D and a standardized design was evolved. The research and technology development spanned the entire spectrum of the nuclear fuel cycle including the front end and the back end. Success in the technologies for the back end of the fuel cycle allowed us to launch the second stage of the programme by constructing a Fast Breeder Test Reactor. This reactor has operated for 20 years based on a unique carbide fuel and has achieved all technology objectives. We have now proceeded further and are constructing a 500 MWe Prototype Fast Breeder Reactor. Simultaneously, we have launched design and development of reactors aimed at thorium utilization and incorporating inherent safety features.

2. Concepts such as grid connectivity are not relevant to the separation exercise. Issues related to fuel resource sustainability, technical design and economic viability, as well as smooth operation of reactors are relevant factors. This would necessitate grid connectivity irrespective of whether the reactor concerned is civilian or not civilian.

3. It must be recognized that the Indian nuclear programme still has a relatively narrow base and cannot be expected to adopt solutions that might be deemed viable by much larger programmes. A comparison of the number of reactors and the total installed capacity between India and the P-5 brings this out graphically [see table].

4. Another factor to be taken into account is the small capacity of the reactors produced indigenously by India, some of which would remain outside safeguards. Therefore, in assessing the extent of safeguards coverage, it would be important to look at both the number of reactors and the percentage of installed capacity covered. An average Indian reactor is of 220 MW and its output is significantly smaller than the standards reactor in a P-5 economy [see table].
5. The complexity of the separation process is further enhanced by the limited resources that India has devoted to its nuclear programme as compared to P-5 nations. Moreover, as India expands international cooperation, the percentage of its thermal power reactor installed capacity under safeguards would rise significantly as fresh capacity is added through such cooperation.

6. India's approach to the separation of its civilian nuclear facilities is guided by the following principles:

- Credible, feasible and implementable in a transparent manner;
- Consistent with the understandings of the 18 July Statement;
- Consistent with India's national security and R&D requirements as well as not prejudicial to the three-stage nuclear programme in India;
- Must be cost effective in its implementation; and
- Must be acceptable to Parliament and public opinion.

7. Based on these principles, India will:

Include in the civilian list only those facilities offered for safeguards that, after separation, will no longer be engaged in activities of strategic significance.

The overarching criterion would be a judgment whether subjecting a facility to IAEA safeguards would impact adversely on India's national security.

However, a facility will be excluded from the civilian list if it is located in a larger hub of strategic significance, notwithstanding the fact that it may not be normally engaged in activities of strategic significance.

A civilian facility would, therefore, be one that India has determined not to be relevant to its strategic programme.

8. Taking the above into account, India, on the basis of reciprocal actions by the US, will adopt the following approach:

(i) **Thermal Power Reactors**: India will identify and offer for safeguards 14 thermal power reactors between 2006 and 2014. This will include the 4 presently safeguarded
reactors (TAPS 1&2, RAPS 1&2) and in addition KK 1&2 that are under construction. 8 other PHWRs, each of a capacity of 220 MW, will also be offered. Phasing of specific thermal power reactors, being offered for safeguards would be indicated separately by India. Such an offer would, in effect, cover 14 out of the 22 thermal power reactors in operation or currently under construction to be placed under safeguards, and would raise the total installed Thermal Power capacity by MWs under safeguards from the present 19% to 65% by 2014.

(ii) **Fast Breeder Reactors:** India is not in a position to accept safeguards on the Prototype Fast Breeder Reactor (PFBR) and the Fast Breeder Test Reactor (FBTR), both located at Kalpakkam. The Fast Breeder Programme is at the R&D stage and its technology will take time to mature and reach an advanced stage of development.

(iii) **Future Reactors:** India has decided to place under safeguards all future civilian thermal power reactors and civilian breeder reactors, and the Government of India retains the sole right to determine such reactors as civilian.

(iv) **Research Reactors:** India will permanently shut down the CIRUS reactor, in 2010. It will also be prepared to shift the fuel core of the APSARA reactor that was purchased from France outside BARC [Bhabha Atomic Research Centre] and make the fuel core available to be placed under safeguards in 2010.

(v) **Upstream facilities:** The following upstream facilities would be identified and separated as civilian:

List of those specific facilities in the Nuclear Fuel Complex, which will be offered for safeguards by 2008 will be indicated separately.

The Heavy Water Production plants at Thal, Tuticorin and Hazira are proposed to be designated for civilian use between 2006-2009. We do not consider these plants as relevant for safeguards purposes.

(vi) **Downstream facilities:** The following downstream facilities would be identified and separated as civilian:

India is willing to accept safeguards in the 'campaign' mode after 2010 in respect of the Tarapur Power Reactor Fuel Reprocessing Plant.
The Tarapur and Rajasthan `Away From Reactors' spent fuel storage pools would be made available for safeguards with appropriate phasing between 2006-2009.

(vii) Research Facilities: India will declare the following facilities as civilian:

(a) Tata Institute of Fundamental Research

(b) Variable Energy Cyclotron Centre

(c) Saha Institute of Nuclear Physics

(d) Institute for Plasma Research

(e) Institute of Mathematics Sciences

(f) Institute of Physics

(g) Tata Memorial Centre

(h) Board of Radiation and Isotope Technology

(i) Harish Chandra Research Institute

These facilities are safeguards-irrelevant. It is our expectation that they will play a prominent role in international cooperation.

9. Safeguards:

(a) The United States has conveyed its commitment to the reliable supply of fuel to India. Consistent with the July 18, 2005, Joint Statement, the United States has also reaffirmed its assurance to create the necessary conditions for India to have assured and full access to fuel for its reactors. As part of its implementation of the July 18, 2005, Joint Statement the United States is committed to seeking agreement from the U.S. Congress to amend its domestic laws and to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable, uninterrupted and continual access to fuel supplies from firms in several nations.

(b) To further guard against any disruption of fuel supplies, the United States is prepared to take the following additional steps:
(i) The United States is willing to incorporate assurances regarding fuel supply in the bilateral U.S.-India agreement on peaceful uses of nuclear energy under Section 123 of the U.S. Atomic Energy Act, which would be submitted to the U.S. Congress.

(ii) The United States will join India in seeking to negotiate with the IAEA an India-specific fuel supply agreement.

(iii) The United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors.

(iv) If despite these arrangements, a disruption of fuel supplies to India occurs, the United States and India would jointly convene a group of friendly supplier countries to include countries such as Russia, France and the United Kingdom to pursue such measures as would restore fuel supply to India.

(c) In light of the above understandings with the United States, an India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards to guard against withdrawal of safeguarded nuclear material from civilian use at any time as well as providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies. Taking this into account, India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.

This plan is in conformity with the commitments made to Parliament by the Government.
APPENDIX -VI

The U.S. Atomic Energy Act Section 123 At a Glance

The nine nonproliferation criteria for section 123 agreements are as follows:

- Nuclear material and equipment transferred to the country must remain under safeguards in perpetuity.
- Non-nuclear-weapon states partners must have full-scope IAEA safeguards, essentially covering all major nuclear facilities.
- A guarantee that transferred nuclear material, equipment, and technology will not have any role in nuclear weapons development or any other military purpose, except in the case of cooperation with nuclear-weapon states.
- In the event that a non-nuclear-weapon state partner detonates a nuclear device using nuclear material produced or violates an IAEA safeguards agreement, the United States has the right to demand the return of any transfers.
- U.S. consent is required for any re-transfer of material or classified data.
- Nuclear material transferred or produced as a result of the agreement is subject to adequate physical security.
- U.S. prior consent rights to the enrichment or reprocessing of nuclear material obtained or produced as a result of the agreement.
- Prior U.S. approval is required for highly-enriched uranium (HEU) and plutonium obtained or produced as a result of the agreement. An agreement permitting enrichment and reprocessing (ENR) using U.S. provided material requires separate negotiation.
- The above nonproliferation criteria apply to all nuclear material or nuclear facilities produced or constructed as a result of the agreement.
APPENDIX -VII

PM’s Statement in Lok Sabha on Civil Nuclear Energy Cooperation with the United States on August 13, 2007

New Delhi

Excerpts from Prime Minister Manmohan Singh’s statement on August 13 in the Lok Sabha on Civil Nuclear Energy Cooperation with the United States. This is a preliminary transcript that is yet to be corrected and matched with the official transcription from the Lok Sabha:

I rise to inform this august House that the Government of India has reached agreement with the Government of the United States of America on the text of the bilateral Agreement on Cooperation for Peaceful Uses of Nuclear Energy.

This Government has kept Parliament fully in the picture at various stages of our negotiations with the United States. We have never shied away from a full discussion in Parliament on this important issue. I have myself made statements on several previous occasions — on July 29, 2005 soon after my return from Washington; on February 27, 2006 during which I took Parliament into confidence regarding our ongoing discussions with the United States on the Separation Plan; and on March 7, 2006 following the visit of President Bush to India. I also made a detailed statement in the Rajya Sabha on August 17, 2006 conveying certain solemn commitments to which I shall return shortly.

There has been considerable public debate and discussion on various aspects of the Agreement. On August 17, 2006, I had given a solemn commitment to Parliament and to the country regarding what we can agree and cannot agree with the United States to enable civil nuclear energy cooperation with India. I had stressed that it must be within specific parameters, which I had shared with Parliament. This was an unprecedented measure of transparency on our part even in the midst of complex negotiations.

I had given Parliament my assurance that the Government will make every effort so that the vision of the Joint Statements of July 2005 and March 2006 becomes a living reality. I believe that we have redeemed that pledge. In concluding this Agreement, we
have ensured that the autonomy of our strategic programme is fully maintained, and that Dr. Homi Bhabha’s long-term vision remains our guiding principle.

With your permission, I wish to draw the attention of this august House to the main features of the Agreement in some detail. It would become evident that the commitments I had made to Parliament, including those on August 17, 2006, have been fully adhered to.

(i) Full Civil Nuclear Cooperation:

The concept of full civil nuclear cooperation has been clearly enshrined in this Agreement. The Agreement stipulates that such cooperation will include nuclear reactors and aspects of the associated nuclear fuel cycle, including technology transfer on industrial or commercial scale. It would also include development of a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of our reactors.

A significant aspect of the Agreement is our right to reprocess US origin spent fuel. This has been secured upfront. We view our right to reprocess as a key element of a closed fuel cycle, which will enable us to make full use in our national facilities of the energy potential of the nuclear fuel used in our reactors. This important yardstick has been met by the permanent consent for India to reprocess.

India will establish a new national reprocessing facility dedicated to reprocessing foreign nuclear material under IAEA safeguards. India and the US will mutually agree on arrangements and procedures under which such reprocessing will take place in the new facility. Consultations on arrangements and procedures will begin within six months of a request by either party and will be concluded within one year. There is no ambiguity with regard to the commitments of both countries.

Any special fissionable material that may be separated may be utilised in national facilities under IAEA safeguards. Thus the interests of our three stage nuclear programme have been protected.

The United States has a longstanding policy of not supplying to any country enrichment, reprocessing and heavy water production facilities. This Agreement
provides for such transfers to India only through an amendment. Forward-looking language has been included for dual use transfers of enrichment, reprocessing and heavy water production facilities. We hope transfers will become possible as cooperation develops and expands in the future. It is important to note that no prohibition that is specifically directed against India has been included in the Agreement.

(ii) The Principle of Reciprocity:

The principle of reciprocity, which was integral to the July 2005 Statement, has been fully safeguarded in this Agreement. There is no change in our position that we would accept only IAEA safeguards on our civilian nuclear facilities. This would also be in a phased manner and as identified for that purpose in the Separation Plan, and only when all international restrictions on nuclear trade with India have been lifted. India will not take any irreversible steps with the IAEA prior to this.

(iii) Certification:

This Agreement emphasises the desire of both countries to cooperate extensively in the use of nuclear energy for peaceful purposes as a means of achieving energy security on a stable, reliable and predictable basis. This Agreement further confirms that US cooperation with India is a permanent one.

There is no provision that states that US cooperation with India will be subject to an annual certification process.

Hon’ble Members may recall that the 18th July 2005 Joint Statement had acknowledged that India be regarded as a state with advanced nuclear technology enjoying the same advantages and benefits as other States with advanced nuclear technology, such as the US. This Agreement makes specific references to India and the United States as States possessing advanced nuclear technology, both parties having the same benefits and advantages, both committed to preventing WMD proliferation.

(iv) Safeguards:

As agreed in the March Separation Plan, India has accepted only IAEA safeguards that will be reflected in an India-specific Safeguards Agreement with the IAEA.
We have not consented to any provision that mandates scrutiny of our nuclear weapons programme or any unsafeguarded nuclear facilities. There are explicit provisions in the Agreement that make it clear that this Agreement does not affect our unsafeguarded nuclear facilities and that it will not affect our right to use materials, equipment, information or technology acquired or developed independently. India and the United States have agreed that the implementation of the Agreement will not hinder or otherwise interfere with India’s nuclear activities including our military nuclear facilities. Nothing in the Agreement would impinge on our strategic programme, our three-stage nuclear power programme or our ability to conduct advanced R&D.

(v) Fuel Supply Assurances:

I would like to reiterate that the March 2006 Separation Plan provided for an India-specific Safeguards Agreement with the IAEA, with assurances of uninterrupted supply of fuel to reactors that would be placed under IAEA safeguards together with India’s right to take corrective measures in the event fuel supplies are interrupted. An important assurance given is the commitment of support for India’s right to build up strategic reserves of nuclear fuel to meet the lifetime requirements of India’s reactors.

This Agreement envisages, in consonance with the Separation Plan, US support for an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply for the lifetime of India’s reactors. The Agreement reiterates in toto the corresponding portions of the Separation Plan.

It has endorsed the right of India to take corrective measures to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supply.

Hon’ble Members will agree that these provisions will ensure that there is no repeat of our unfortunate experience with Tarapur.

(vi) Integrity and reliability of our strategic programme, autonomy of decision making and future scientific research and development:

In my statements of March 7 and August 17, 2006, I had assured Parliament that the Separation Plan would not adversely affect our strategic programme, the integrity of the
three-stage nuclear programme and the autonomy of our Research and Development activity.

This Agreement does not in any way impact on India’s ability to produce and utilise fissile material for its current and future strategic needs.

Our right to use for our own purposes our independent and indigenously developed nuclear facilities has been fully preserved. The Agreement also provides for non-hindrance and non-interference in our activities involving use of nuclear material, non-nuclear material, equipment, components, information or technology and military nuclear facilities produced, acquired or developed independently for our own purposes.

(vii) Cessation of cooperation:

An elaborate multi-layered consultation process has been included with regard to any future events that may be cited as a reason by either Party to seek cessation of cooperation or termination of the Agreement. Both Parties have agreed to take a number of factors into account in their consultations so that the scope for precipitate or unilateral action is reduced.

Cessation of cooperation can be sought by the US only if it is prepared to take the extreme step of termination of the Agreement. India’s right to take “corrective measures” will be maintained even after the termination of the Agreement.

In the case of termination of this Agreement and cessation of cooperation by either Party, each has the right to seek return of nuclear material and equipment supplied by it to the other. However, before the right of return is exercised, the Agreement commits the parties to consult and to take into account specific factors such as national security, ongoing contracts and projects, compensation at market value, physical protection and environmental issues. India and the United States have agreed to consider carefully the circumstances that may lead to termination, including a party’s concerns about a change in the security environment or a response to similar actions by other states that could impact on national security.

The Agreement stipulates that the two parties recognise that exercising the right of return would have profound implications and consequences for their relations.
From India’s point of view our primary objective is to ensure the uninterrupted operation of our nuclear reactors, in the context of the detailed fuel supply assurances provided in the Separation Plan and these are now reflected in full in the Agreement. The Agreement specifically states in regard to fuel supply assurances and India’s right to take “corrective measures” that there will be no derogation of India’s rights in this regard, including the right to take “corrective measures” to ensure the uninterrupted operation of its reactors. This reflects the balance of obligations consistent with the understandings of the July Statement and the March Separation Plan.

Among the significant and innovative features of this Agreement are specific mention of the right to run foreign supplied reactors ‘without interruption’ and to take ‘corrective measures’ in the event of fuel supply disruption. This has been made possible by crafting the provisions in a manner that provide for explicit linkages and interlocking of rights and commitments contained in the Agreement.

The Agreement does not in any way affect India’s right to undertake future nuclear tests, if it is necessary in India’s national interest. Let me hence reiterate once again that a decision to undertake a future nuclear test would be our sovereign decision, one that rests solely with the Government. There is nothing in the Agreement that would tie the hands of a future Government or legally constrain its options to protect India’s security and defence needs.

If I might sum up, this Agreement does not in any way inhibit, restrict or curtail our strategic autonomy or capabilities. Our rights to pursue our three-stage nuclear power programme remain undiluted.

In the unlikely event of cessation of cooperation there is no derogation of our rights with regard to corrective measures. Our reprocessing rights are upfront and are permanent in nature. Advanced R&D programmes and IPR Protection are fully safeguarded…

In discussions on this subject, questions have been raised about Government’s commitment to an independent foreign policy. I have clearly spelt out the Government’s position in this regard in my statements to Parliament in March and August 2006. I had specially underlined that the pursuit of a foreign policy that is independent in its
judgment is a legacy of our founding fathers and an abiding commitment of my Government. India is too large and too important a country to have the independence of its foreign policy taken away by any power.

Today, India stands on the world stage as an influential and respected member of the international community. There is independence in our thought and independence in our actions.

I would like to reiterate that our engagement today with all global powers like US, Russia, China, EU, UK, France, Germany and Japan is unprecedented. Engagement with West, East, South East and Central Asia has been significantly stepped up with visible results. We are building new frontiers in our ties with Africa and Latin America. In South Asia we seek to develop a peaceful environment, one that is conducive to ambitious developmental targets. I urge those who question our commitment to an independent foreign policy to display the same degree of confidence in India, as others from outside do.

Thus, there is no question that we will ever compromise, in any manner, our independent foreign policy. We shall retain our strategic autonomy.

At the same time, we must not forget India’s long-standing commitment to the noble ideas of nuclear disarmament and our refusal to participate in any arms race, including a nuclear arms race. Our commitment to universal, non-discriminatory and total elimination of nuclear weapons remains undiminished. It was this vision of a world free of nuclear weapons which Shri Rajiv Gandhi put before the UN in 1988 and this still has universal resonance.

We remain committed to a voluntary, unilateral moratorium on nuclear testing. We are also committed to negotiate a Fissile Material Cut-off Treaty or FMCT in the Conference on Disarmament. India is willing to join only a non-discriminatory, multilaterally negotiated, and internationally verifiable FMCT, as and when it is concluded in the Conference on Disarmament, subject to it meeting our national security interests.
Despite changes in government and changes in political leadership we have always tempered the exercise of our strategic autonomy with a sense of global responsibility and with a commitment to the ideals of general and complete disarmament, including global nuclear disarmament. This Government believes that our commitment to these ideals and our efforts to realise them must continue, and continue with even greater vigour, now that we are a nuclear weapon state. The possession of nuclear weapons only increases our sense of responsibility and does not diminish it.

Pending global nuclear disarmament, India has maintained an impeccable non-proliferation record. As a responsible nuclear power, India will not be the source of proliferation of sensitive technologies. We stand for the strengthening of the non-proliferation regime as the infirmities in this regime have affected our security interests. We will work together with the international community to advance our common objective of non-proliferation.

There are now other landmarks to cross before the goal of India joining the international mainstream as a full and equal partner becomes a reality. We have to finalise an India-specific Safeguards Agreement with the IAEA. Thereafter, the Nuclear Suppliers Group has to agree, by consensus, to adapt its guidelines, we expect without conditions, to enable nuclear commerce with India and to dismantle the restrictions on the transfer of dual use technologies and items to our country. The US Administration is to secure requisite approval from the US Congress. The completion of these next steps will mark the practical realisation of this initiative…

This historic initiative has received the steadfast support of President Bush and senior members of his Administration. The strengthening and enhancement of our bilateral relations is an objective that has received his unstinting personal support and commitment. This Agreement is a shining example of how far we have progressed.

Finally, Sir, let me end by saying that we have achieved an Agreement that is good for India, and good for the world. I am neither given to exaggeration nor am I known to be self-congratulatory. I will let history judge; I will let posterity judge the value of what we have done through this Agreement. In days to come it will be seen that it is not just the United States but nations across the world that wish to arrive at a new equilibrium in
their relations with India. This agreement with the United States will open new doors in capitals across the world. It is another step in our journey to regain our due place in global councils. When future generations look back, they will come to acknowledge the significance of this historic deal.
APPENDIX -VIII

Statement by India at IAEA Board of Governors Meeting on August 1, 2008

Mr. Chairman,

Allow me to convey on behalf of the Indian delegation our warm congratulations on the most efficient manner in which you have been conducting the proceedings of this Board.

I take this opportunity to convey our deep appreciation to the members of the Board of Governors as well as the Director General for the important decision adopted today by according approval to the document contained in Gov/2008/30 which is the “Agreement between the Government of India and the International Atomic Energy Agency for the application of Safeguards to Civilian Nuclear Facilities”. I would also like to convey our deep appreciation to the Agency Secretariat and the negotiating team which led to the finalization of the Safeguards Agreement with India. In INFCIRC/731, India has indicated its intention to move forward with its Separation Plan in accordance with the provisions of the Safeguards Agreement after its entry into force.

Mr. Chairman,

This is an important day for India and a significant milestone in the long standing co-operation between India and the Agency. We pledge our support to the further strengthening of the Agency’s role in promoting international co-operation in the peaceful use of nuclear energy which is so critical to ensuring a clean and secure energy future. We look forward to co-operating with the Agency to facilitate the implementation of this Agreement in accordance with the provisions of this Agreement which as the Director General has pointed out should be read as an integral whole.

Mr. Chairman,

India’s population accounts for one sixth of mankind. The pursuit of the goal of energy security is one of the most pressing challenges for India which has registered an economic growth of 9 percent in recent years. We aspire to achieve and maintain a growth rate of 10% order in order to ensure development to lift millions of our people from poverty and provide sustainable livelihood. To sustain this kind of growth, India
would have to ensure availability of adequate quantum of energy, particularly electricity. The generation of electricity in fact would need to grow at an annual rate of 8% to 10% in order to meet the needs of our growing economy.

Even as we explore alternative sources of energy such as hydropower and renewables such as solar, only nuclear energy has the potential to make a major contribution towards satisfying India’s requirements and at the same time address the global challenges of energy security and climate change. India’s current electricity generation is primarily based on coal. India’s reserves of coal would be inadequate to meet our needs after 2050. Even by accounting for all domestic energy resources, India would need to import energy to the tune of 1.6 billion tonnes of coal equivalent annually. Taking into account the current international scenario with respect to global energy supplies and prices and India’s large energy requirements, it would be unrealistic to depend heavily on hydrocarbons. It is also a fact that large-scale use of coal will have an adverse effect on the environment and global climate, a situation that is unavoidable if nuclear power is not able to make a significant contribution.

We live in an interdependent world and we share the common global concerns on the need to tackle the problem of greenhouse gas emissions and global warming. Nuclear energy which is recognized today as a clean and environmentally friendly source of energy that can meet the twin challenges of sustainability and climate change, is indispensable to addressing our common energy future.

Mr. Chairman,

On the basis of a robust self-reliant R&D, India has built its own vibrant programmes in Pressurized Heavy Water Reactors, Fast Reactors, Thorium Reactors and related fuel cycle technologies as part of our three stage nuclear programme. A large scale expansion of nuclear power based on these technologies is currently underway. As a country which has mastered all aspects of the nuclear fuel cycle, India remains prepared to engage actively with others to ensure that the global nuclear renaissance will help realize our shared vision of using nuclear power as an abundant and secure energy source.
India is already an observer at CERN and is partnering several other countries in
the construction of LHC which is nearing completion. India is also a partner country in
the International Thermo-nuclear Experimental Reactor ITER project along with other
countries having advanced capabilities in the nuclear field. We believe, such co-
operative ventures have been mutually beneficial.

India’s integration into the global civil nuclear community is thus a win-win
situation for all. Global efforts to promote energy security, sustainable development and
effective non-proliferation will stand to gain with India as a partner. Our national export
controls will remain on par with the best international standards. We have our
principled and consistent position on nuclear non-proliferation and disarmament issues.
We remain firm in our commitment to realize the vision of the Rajiv Gandhi Action
Plan for universal, non-discriminatory nuclear disarmament leading to the complete
elimination of nuclear weapons.

Mr. Chairman,

The Safeguards Agreement approved by the Board today was negotiated by
India and the Agency also using the guidance documents adopted by the Board for the
purposes of concluding and implementing INFCIRC-66 type Agreements. The
safeguards agreement speaks for itself and we see no difficulty in implementing this
Agreement on the basis of what is stated therein. India will implement this Agreement
in strict accordance with its provisions. In implementing this Agreement India and the
Agency can build on the excellent co-operative relations that have so happily existed
between us. As the DG has already indicated, India and the IAEA have begun
discussions on an Additional Protocol to this Safeguards Agreement.

Thank you, Mr. Chairman.