

Senate Committee on Foreign Relations
Chairman Richard G. Lugar
Opening Statement for Hearing on
India Nuclear Agreement
November 2, 2005

The Foreign Relations Committee meets today to consider the Joint Statement issued by President Bush and the Prime Minister of India on July 18, 2005. This document stands as a milestone in the U.S.-Indian relationship. It covers the full range of economic, political, and security issues, as well as matters related to nuclear energy cooperation, and has the potential to bring our two countries closer together than ever before.

India is an important emerging power on the world stage. It enjoys a vibrant democracy, a rapidly growing economy, and increasing influence in world affairs. Indians have come to the United States to study in our universities, to work in our industries, and to live here as citizens. It is clearly in the interests of the United States to develop a strong strategic relationship with India.

At this point, let me pause for a moment to express the Committee's condolences and sympathy for the people of India, who suffered a terrible terrorist attack over the weekend in New Delhi. We fully support India in its battle against terrorism.

Although the Joint Statement covers many areas of policy, commentary has focused narrowly on the nuclear energy section, which states that India will be treated as "a responsible state with advanced nuclear technology." Critics and advocates acknowledge that this represents a departure from previous U.S. policies and international practices.

India has never signed the Nuclear Non-proliferation Treaty, the foundation of international efforts to stop the spread of nuclear weapons. India has developed a nuclear weapons arsenal, in conflict with the goals of the treaty. New Delhi in 1974 violated bilateral pledges it made to Washington not to use U.S.-supplied nuclear materials for weapons purposes. More recently, Indian scientists have faced U.S. sanctions for providing nuclear information to Iran.

India's nuclear record with the international community also has been unsatisfying. It has not acknowledged or placed under effective international safeguards all of its facilities involved in nuclear work, and its nuclear tests in 1998 triggered widespread condemnation and international sanctions.

Prior to the July 18 Joint Statement, India had repeatedly sought, unsuccessfully, to be recognized as an official nuclear weapons state, a status the NPT reserves only for the United States, China, France, Russia, and the United Kingdom. Opponents argue that granting India such status will undermine the essential bargain that is at the core of the NPT—namely, that only by foregoing nuclear weapons can a country gain civilian nuclear assistance. They observe that permitting India to retain nuclear weapons while it receives the same civilian nuclear benefits as nations that have forsworn weapons programs would set a harmful precedent that would encourage other nations to take India's path. New Delhi has long claimed that the NPT is discriminatory, and that the international community has instituted what it calls a "nuclear apartheid" against it.

Implementation of the July 18 Joint Statement requires Congressional consent, as well as modifications to non-proliferation laws and an American commitment to work with allies to adjust

international regimes to enable full civil nuclear energy cooperation and trade with India. This Committee, and ultimately the entire Congress, must determine what effect the Joint Statement will have on U.S. efforts to halt the proliferation of weapons of mass destruction. To date, no associated legislative proposals have been offered by the Administration. Likewise, there does not appear to be a specific Indian timetable to fulfill its obligations under the Joint Statement.

India has agreed, according to the Statement, to “assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology.” These responsibilities include seven specific action steps:

- 1) identifying and separating civilian and military nuclear facilities and programs in a phased manner and declaring them to the IAEA;
- 2) voluntarily placing its civilian nuclear facilities under IAEA safeguards;
- 3) signing and adhering to an Additional Protocol;
- 4) continuing India's unilateral moratorium on nuclear testing;
- 5) working with the United States to conclude a multilateral Fissile Material Cut Off Treaty;
- 6) refraining from the transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread; and
- 7) complying with the Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG) guidelines.

There are four key questions that today’s hearing seeks to answer. First, how does civil nuclear cooperation strengthen the U.S.-Indian strategic relationship and why is it so important? Second, how does the Joint Statement address U.S. concerns about India’s nuclear programs and policies? Third, what effects will the Joint Statement have on other proliferation challenges such as Iran and North Korea and the export policies of Russia and China? Fourth, what impact will the Joint Statement have on the efficacy and future of the NPT and the international nonproliferation regime?

Today’s hearing will consist of two panels. On the first panel, Under Secretary of State for Political Affairs, Nicholas Burns, and Under Secretary of State for Arms Control and International Security, Robert Joseph, will lay out the Administration’s case for the July Joint Statement. They are both friends of this Committee, and I want to express my personal appreciation for their efforts to meet with Senators on this and other important issues.

On the second panel, we will hear from several outside experts. Ronald Lehman, formerly Director of the U.S. Arms Control and Disarmament Agency and currently Director of the Center for Global Security Research at Livermore National Laboratory, and Ashton Carter, co-director of the Preventive Defense Project, will present their views to the Committee. Dr. Lehman and Dr. Carter are co-chairmen of the Non-proliferation Policy Advisory Group, an informal panel of experts that I have convened to examine non-proliferation issues. They are joined by Mr. Henry Sokolski, Executive Director of the Non-proliferation Policy Education Center, and Mr. Michael Krepon, co-founder and President Emeritus of the Henry L. Stimson Center.

We appreciate the appearance of all our witnesses and look forward to their testimony.

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