

# The US-India Nuclear Deal: The End of Universal Non-Proliferation Efforts?

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**T**he US government's plan to lift the nuclear embargo on India runs counter to global efforts against the proliferation of nuclear weapons. The acceptance of India into the circle of recognized nuclear weapon states would prove that universal and generally binding principles no longer form the basis of global non-proliferation efforts but rather that Western countries are increasingly deciding between good and bad proliferation.

India has isolated itself through its pursuit of nuclear weapons and is still not prepared to observe global non-proliferation rules. Nevertheless, the Bush administration wants to cultivate New Delhi as a long-term partner in Asia, above all as a counterweight to China. The lifting of nuclear sanctions is the core of this policy.

India's nuclear weapons policy has challenged the international community for more than 30 years and paradoxically has led to a strengthening and consolidation of the very multilateral non-proliferation efforts that are now being put in jeopardy by the US-India nuclear deal. A loosening or even lifting of existing nuclear restrictions in supplies would cement India's special position outside the nuclear non-proliferation treaty known as the Treaty on the Non-proliferation of Nuclear Weapons (NPT) and would serve as a signal that the pursuit of nuclear weapons can pay politically. Against the background of international efforts to persuade Iran to voluntarily refrain from nuclear activities this is the wrong message. It goes against the European approach to non-proliferation, universalizing global norms and making them more binding. In the unstable triangle of nuclear powers China, India, and Pakistan support for the Indian nuclear program could also trigger a new round of the regional arms race.

It has still not been decided whether the American government will go through with its intention to lift the nuclear sanctions. In both Washington and New Delhi there is opposition to the nuclear deal. Internationally, the participants in the Nuclear Suppliers Group (NSG) have to

sanction the deal. In addition, India has to negotiate with the International Atomic Energy Agency (IAEA) on the arrangements for international inspection of civil atomic reactors.

The US-Indian initiative has revived the question of how the three nuclear powers now outside the NPT – India, Israel, and Pakistan – can be brought closer to the global non-proliferation system. Germany should actively help to shape a solution to this problem and insist that India at least enter into the same arms control obligations as the five recognized nuclear weapon states before the nuclear deal is sanctioned. Binding pledges on India's part to permanently and verifiably limit and make more transparent its atomic program could limit the damage to international non-proliferation efforts.

## **The Nuclear Deal: A Setback for Non-Proliferation**

The world reacted to India's policy of developing its own nuclear weapons potential outside international control mechanisms by terminating nuclear cooperation with India across the board. German restrictions on nuclear exports to India rest on the provisions of the NPT, UN Security Council resolutions, guidelines of the nuclear supply countries, EU joint positions and decisions, and the Foreign Trade and Payments Law. Similar restrictions also apply to the two other atomic powers outside the NPT, Israel and Pakistan.

India's first nuclear test in 1974, four years after NPT came into force, triggered the formation of modern export controls on nuclear goods. India broke international agreements and misapplied a Canadian heavy water reactor supplied explicitly for civil purposes, as well as American nuclear materials for the production of weapons grade plutonium. (India declared cynically that the nuclear explosion was of a »peaceful« nature and therefore it had not broken its promises – cf. Perkovich 1999: 178–79.) In order to prevent a repetition of such rule breaking the major nuclear supply countries agreed to make IAEA checks a condition of nuclear exports. The Nuclear Suppliers Group which emerged from these efforts is today one of the most important instruments in preventing the proliferation of nuclear weapons technology.

When New Delhi carried out five more nuclear tests in May 1998 and declared itself a nuclear power this was two years after the conclusion of the Comprehensive Test Ban Treaty and three years after the unlimited

prolongation of the NPT – another slap in the face for the international community, therefore. The UN Security Council unanimously condemned the Indian tests (and the corresponding nuclear explosions in Pakistan a few days later) in no uncertain terms. Security Council Resolution 1172 of June 6, 1998 encouraged »all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons.«

The EU also condemned the tests and in the joint position of October 26, 1998 emphasized the importance of export controls to slow down the Indian and Pakistani nuclear programs. German export legislation in relation to states like India is more restrictive than the corresponding directives of the Nuclear Suppliers Group and the EU. In the last 15 years the Federal government by its own account has not approved any nuclear exports to India (cf. Bundestags-Drucksache 16/1373:9).

The proposal launched by Washington to lift the supply embargo on India for nuclear technology constitutes a radical turning away from current controls. Such a step would not only run counter to American law but also binding international resolutions. The American government has therefore applied for exemptions for India from American export regulations and the directives of the Nuclear Suppliers Group. This change of direction brings with it immense dangers for nuclear arms control. Recognition of India's nuclear weapons status damages the Non-proliferation Treaty, weakens multilateral export control regimes, stokes up the nuclear arms race in Asia, and hampers a peaceful solution of the conflict with Iran.

## **India and the Treaty on the Non-Proliferation of Nuclear Weapons**

The NPT negotiated in 1968 is the core of all efforts to limit the proliferation of nuclear weapons and to advance nuclear disarmament. Historically, the Treaty, with its 189 signatory states, has been extraordinarily successful: only India, Israel, and Pakistan have so far refused to join.<sup>1</sup> The incorporation of these states in the global non-proliferation regime

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1. North Korea declared its withdrawal from the NPT at the beginning of 2003. However, it is a matter of dispute whether Pyongyang has in fact met all the legal conditions for making this step valid.

remains above all a long-term aim because they possess nuclear weapons and can join NPT only as non-nuclear weapon states. The five nuclear powers recognized by the Treaty – China, France, the UK, Russia, and the USA – have laid down in Article IX that only those count as nuclear weapon states which exploded a nuclear device before January 1, 1967.

For decades India has described this decision as »discriminatory,« but at the same time has striven for membership of the club. A lifting of the nuclear sanctions would grant New Delhi its wish. The stigmatization of the nuclear embargo would be ended without India having to disarm. When on July 18, 2005, in Washington US president George W. Bush and Indian Prime Minister Manmohan Singh presented to a surprised public their plans for the resumption of nuclear cooperation Bush praised India as a »responsible state« which could be trusted to deal properly with modern nuclear technology and so put India on a par with the recognized nuclear weapon states.

The proposal de facto to accept India into the club of nuclear weapon states comes at a time when the NPT is experiencing the profoundest crisis in its history. Since the non-nuclear weapon states agreed in 1995 to prolong the NPT indefinitely the nuclear weapon states have ever more openly and more brazenly violated their disarmament obligations. The Bush administration's nuclear weapons policy is the most obvious example. The USA has extended the range of nuclear deployment to include pre-emptive military strikes and is continuing to develop new nuclear weapons. At the same time, Washington has withdrawn from treaty-bound arms controls, refuses to ratify the nuclear test ban treaty, and is easing restrictions on its own nuclear potential. In Washington's slipstream other nuclear weapon states are upgrading their own nuclear weapons (Müller/Sohnius 2006).

At the same time, the crises surrounding the North Korean and Iranian atomic programs have revealed the weaknesses of the NPT. There is a need for regulation, particularly in relation to controls on nuclear fuel cycles as well as the possibility to withdraw from membership of the treaty. And the danger of nuclear terrorism poses new challenges to the nuclear non-proliferation regime.

Against this background the planned agreement with India represents a new and heavy strain on the global non-proliferation regime. So far, unlimited access to peaceful nuclear technology has only been open to NPT members. Non-nuclear weapon states, at the same time, have to open up all their nuclear facilities to IAEA controls. The recognized nuclear

weapon states have committed themselves in Article VI to nuclear disarmament. India is continuing to rearm, however, and bars international inspectors from many of its facilities. New Delhi is therefore to be given the rights that go with NPT membership without assuming the corresponding duties.

This privileging of India would for many countries be one more incentive not to submit to the rules of the Treaty. The fear is that for some Treaty members the exit threshold is dropping. They could be tempted to follow India's example and hope in due course to gain access to nuclear technology even as non-Treaty members. This applies particularly to states like Iran which are in any case reconsidering their NPT membership.

Moreover, efforts towards a universalization of NPT would be hampered because from India's standpoint (and potentially also from those of Israel and Pakistan) being granted access to nuclear technology would be one less reason to join NPT.

What about the view of the Deal's advocates that India's agreement to let the IAEA inspect all civil nuclear facilities will result in the country gradually being drawn into NPT? Certainly it is desirable that India opens up more nuclear facilities to international inspection. Such inspections create transparency and represent one step on the way to full inspection of all nuclear facilities (cf. Schaper 1996).<sup>2</sup>

It is true that measures for monitoring the flow of nuclear material (safeguards) in nuclear weapon states at best have symbolic value. Basically, such security measures can reveal in time attempts to secretly divert fissile materials for military purposes. A supplementary NPT protocol (which India will accept as binding) regulates security measures and creates the legal basis for inspection by means of which secret nuclear activities (as in Iran or North Korea) will be detected. However, by definition the IAEA will not be able to perform either task in states which already openly possess nuclear weapons.

All nuclear weapon states accept to some extent inspections of civil nuclear facilities, but bar access to international inspectors to facilities used for military purposes. India will not be any different. All military premises, two heavy water reactors, fast breeder reactors, and processing and enrichment plants will not be subject to international inspection even in

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2. On this basis, among others, because he believes that full exploitation of nuclear energy can improve India's economic situation IAEA General Director Mohammed ElBaradei supports the nuclear deal (cf. ElBaradei, June 14, 2006).

the future. The largest nuclear centers – the Babha Atomic Research Centre and the Indira Ghandi Centre for Atomic Research – are to remain completely inaccessible to international inspectors.

According to the Indian plan for the »separation« of civil and military facilities 14 out of a total of 22 atomic reactors will be opened up to international inspection by 2014. Eight reactors which are used for both civil and military purposes shall remain closed to the IAEA and the Indian government alone will decide which of the facilities yet to be built shall be subject to international inspection (according to Prime Minister Manmohan Singh, March 6, 2006).<sup>3</sup> India's announcement that all civil facilities would be subject to international inspection is therefore eye-wash.

It is clear what inspection rights India is willing to grant the IAEA. The Indian government has promised that inspections within the framework of safeguards can take place in perpetuity, on condition that the relevant agreements are »India specific.« The powerful Indian nuclear lobby's to some extent sharp criticism of the pro-Western course of the Singh government indicates that India will accept only minimal controls. The negotiations with the IAEA concerning the extent and form of these inspections, as well as the question of who will bear the not inconsiderable costs of the safeguards are in their infancy. The nuclear agreement can still founder on the question of inspection rights both in India and at the IAEA.

## The Nuclear Deal and Nuclear Export Controls

Export controls are, alongside NPT, the second instrument of international efforts to prevent the proliferation of nuclear weapons. All important supply countries have let it be known in the Nuclear Suppliers Group that civil nuclear technology will only be delivered to countries which submit all their facilities to IAEA inspections. This is intended to prevent the recipient from using the goods for purposes other than those originally intended or to pass them on to third parties.

Since India still refuses to allow international inspections at all its nuclear facilities the Nuclear Suppliers Group must change its rules before the USA or another of the 45 participants can supply India with nuclear

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3. However it is clear that nuclear imports could be used only in facilities under IAEA supervision.

technology or nuclear fuel. The USA has proposed that in future it should be left to NSG members whether they supply India with nuclear technology.

Such a step would call into question the implicit basis of the Nuclear Suppliers Group because it would breach the iron NSG principle that export guidelines are binding on all NSG participants equally. This principle is important in the creation of fair competitive conditions for the export industries in the participating states. Even more important, equal and binding rules prevent potential proliferators from avoiding strict export guidelines in one supplier state by buying them from another NSG participant. India could do exactly this in the future and the fear is that this door will also open for other states.

The intended preferential treatment of India is already awakening an appetite in other countries to supply their client states outside the NPT with nuclear technology. China, for example, has announced that it wishes to supply Pakistan with nuclear technology on a large scale again.<sup>4</sup>

What of the argument of advocates that, on the contrary, India is committed to the application of international standards in the export of nuclear goods? For two reasons it is questionable whether the nuclear deal will in fact have a positive effect on Indian export control policy.

On the one hand, the Bush administration already in the run-up to the deal, gave notice to India to observe international standards in the control of nuclear technology. This was necessary in order to placate critics in the US Congress who against the background of the historical good relations between Teheran and New Delhi doubt whether it is wise to supply India with modern nuclear technology. Only a month after the nuclear deal had been announced the US government lifted sanctions against a number of Indian firms which had been imposed due to proliferation relevant activities. This charter will scarcely contribute to India improving its export controls.

On the other hand, India in any case does not always take export controls seriously. Until very recently the Indian government has tried to circumvent the export controls of the international nuclear embargo through covert procurement attempts. In the wake of these secret

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4. China can currently supply Pakistan with nuclear technology within the framework of projects begun before China joined the NSG in 2004. China and Pakistan reached agreement on a series of new nuclear projects in spring 2006 which first have to be individually sanctioned by the NSG, however.

purchases Indian nuclear technology could have fallen into the wrong hands (Albright/Basu). Indian export control is so lax that even American hardliners like UN ambassador John Bolton reject a relaxation of existing supply restrictions out of fear that Indian nuclear technology be passed on to third parties (Ruppe 2006).

## The Nuclear Deal and the Arms Race in Asia

In the negotiations with the USA on the nuclear agreement India insisted that its own nuclear armament plans will not be affected by the nuclear deal. And successfully, as Indian head of government Singh proudly announced on March 6, 2006, in Parliament and defended his line against criticisms from both left and right.

»There will be no restrictions on our strategic program [the Indian code word for the nuclear weapons program: author's note] and the plan to separate civil and military nuclear facilities ensures that sufficient fissile materials and other basic materials will be available to satisfy the present and future requirements of our strategic program which will be determined on the basis of the perceived threat. ... The integrity of our nuclear doctrine and our ability to ensure a credible minimal deterrence have been adequately maintained« (Singh 2006).

The nuclear deal avoids not only any interference with the Indian nuclear weapons program but also creates the conditions for accelerated armament. Support for the civil program will also benefit India's nuclear weapons program. This is because India's uranium reserves are meager. Already its own outputs cover a mere two thirds of requirements for civil and military purposes. Without the lifting of supply restrictions there will be a bottleneck in the uranium supply as early as the end of 2006. If India as announced wishes to continue to build up civil utilization and pursue nuclear armament it will have to import uranium in the short term.

Such uranium imports would enable India to use its own scarce uranium reserves primarily or even exclusively for nuclear weapons production. A group of Indian and Pakistani experts have calculated that imports of nuclear fuel for those facilities which in future will come under international supervision would put India in a position to increase nuclear weapon production from the current seven warheads to 40–50 nuclear weapons a year (Mian/Nayyar/Rajaraman/Ramana 2006: 20–24). Add to that the fact that spent fuel rods alone which India does not wish to put under international supervision contain enough plutonium for around



1,000 more nuclear weapons (Mian/Ramana, January/February 2006: 17).

Although India's nuclear weapons policy is surrounded by a mantle of secrecy there is no doubt that New Delhi's policy of »minimal deterrence« boils down to further nuclear armament. India intends to build up its nuclear weapons arsenal in the coming years from around 40–50 nuclear weapons to 300–400 land, air, and sea based missiles (Bulletin of the Atomic Scientists, September/October 2005).

For other reasons too it may be doubted whether the nuclear deal will promote the peaceful use of nuclear technology. Military misuse of civil imports cannot be ruled out over the long term because the US-friendly and pro-Western course of the current Indian government can change (Wagner 2006). In addition, the resumption of international nuclear co-operation would provide India with the technical knowledge the country lacks after the 30-year nuclear embargo. Since in India the military and civil nuclear programs are particularly close knit the nuclear weapons program would also benefit from any technology transfer.

A new arms race threatens because regional rivals Pakistan and China are likely to react to a build up in India's nuclear weapons capacity with their own armament. Pakistan is currently building a reactor which would probably put the country in a position to draw level with India and also produce 40–50 warheads a year (Warrick 2006). If India continues to arm itself with nuclear weapons Pakistan would certainly use this capacity. A high-ranking Pakistani officer has threatened that Pakistan would not only rethink its nuclear weapons policy but could also realign its foreign policy as a whole if the West supports India's nuclear program (Ruppe, July 14, 2006).

The advocates of the agreement argue that it would conduct India towards arms control. US Secretary of State Condoleezza Rice asserted at the hearings on the nuclear deal before Congress that the strategy of isolating India had not worked. This policy has had no effect on Indian nuclear weapons policy, and had not prevented India and Pakistan from carrying out nuclear tests in 1998.

That may be true but it is questionable whether the new approach will lead to a curb on India's nuclear program and so lessen the danger of a new arms race. India has promised in exchange for the lifting of nuclear sanctions to take on the same responsibilities as the recognized nuclear weapon states and to behave accordingly. The Indian government's arms control policy pledges so far fall far short of this self-imposed aim. New

Delhi refuses to sign the Test Ban Treaty although the five recognized nuclear weapon states have already done so, and has merely promised to test no more nuclear weapons until further notice.<sup>5</sup>

Furthermore, India wants more fissile materials for nuclear weapons although none of the five recognized nuclear weapon states produce enriched uranium and plutonium for nuclear weapons any more. It is true that New Delhi stated within the framework of the nuclear deal that it would assist an agreement on the ban on producing fissile materials for military purposes. On this topic too, however, the disarmament-hostile Bush administration and the Singh government, intent on maximum freedom of action are basically in agreement and wish to avoid a verifiable ban for as long as possible.

### The Nuclear Deal and the Conflict Concerning the Iranian Nuclear Program

The nuclear deal will hinder efforts towards a diplomatic solution in the nuclear dispute with Iran. The intended lifting of nuclear sanctions provides hardliners in Teheran with arguments they would otherwise lack for maintaining their nuclear course. At the end of July 2005, only two weeks after the US and India had declared their readiness for nuclear cooperation, a member of the Iranian government complained about American double standards: »On the one hand the USA refuses to provide a member of the Treaty on the Non-proliferation of Nuclear Weapons with nuclear technology to be used for peaceful purposes but at the same time from selfish motives they cooperate with India which stands outside the Treaty« (cf. Tisdall, July 28, 2005).

The Bush administration freely admits that it is applying double standards. US Under Secretary of State Nicholas Burns, who was prominent in the negotiations on the nuclear agreement, said in a speech on April 6, 2006, that »We treat India, a democratic and peaceful friend differently from Iran and North Korea, and we are proud of it. ... India keeps to the rules, Iran does not. If that is a system of double standards then we are proud to adopt such double standards for a democratic friend« (cf.

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5. Prime Minister Singh declared on July 18, 2005, that India was ready within the framework of the nuclear deal »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« (cited in: The White House 2005).

Ruppe, April 12, 2005). This stance, also shared by the German government,<sup>6</sup> may attract sympathy for Iran among states not bound by the treaty which in any case doubt the value of the NPT because of US nuclear weapons policy.

The international community wishes to convince Iran that maintaining its nuclear path will have political and economic costs. The nuclear deal with India, on the other hand, is likely to strengthen the forces in T-eheran which believe that long term a strategy of staying the course will be rewarded. The parallels are clear. For decades the US pushed for nuclear disarmament in South Asia and supported UN Security Council resolutions condemning India and Pakistan for their nuclear policy. Now John Bolton describes the nuclear weapons programs of India and Pakistan as »open and legitimate« (March 1, 2006, Arieff 2006).

This arbitrary distinction between acceptable and unacceptable nuclear programs invalidates the search for universal and generally binding rules for the prevention of proliferation. Thinking it through to the end the new approach means that the US no longer regards the further proliferation of weapons of mass destruction as a problem but increasingly makes a distinction between good and bad proliferation (cf. also Mütznich 2006). EU efforts to give international non-proliferation treaties global validity would founder if this approach came to dominate (Neuneck/Meier 2006).

## Improving the Nuclear Deal

Shortly after coming to office at the beginning of 2001 the Bush administration decided to cultivate India as a strategic partner in Asia. The »biggest democracy in the world« was to form a military and political counterweight vis-à-vis China. Moreover, India is attractive as a market for US products. If the nuclear deal goes through US firms would have a head start over international rivals in the state regulated nuclear and defense sectors. These geostrategic and economic interests explain the

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6. On April 19, 2006, the German ambassador to India, Bernd Mützelburg, told the Indian daily *The Hindu*: »Everyone in Germany understands ... that India and Iran cannot be compared, not only because one state is a partner in the NPT and the other is not, but also because India is demonstrably a reliable and responsible state when it comes to non-proliferation« (cf. Baruah, April 19, 2006).

change of course in US policy towards India. On their account it is worth it for the Bush administration to weaken multilateral instruments like the NPT, the value of which many in the US government doubt in any case (Mian/Ramana: 12–13).

Before the US can supply India with nuclear technology the US Congress has to agree to a change in the strict US export guidelines. The House of Representatives has already got the relevant legislation under way and links its agreement to four conditions: (i) India must come up with a »credible« plan for separating civil and military nuclear facilities, (ii) it must reach agreement with the IAEA on the inspection of civil facilities, (iii) it must actively support a multilateral treaty on ending production of weapons grade fissile materials, and (iv) the lifting of sanctions shall depend on the agreement of the members of the Nuclear Suppliers Group (cf. House of Representatives, July 21, 2006: 9–11).<sup>7</sup>

The Nuclear Suppliers Group therefore will be next to take decisions on the nuclear deal. Since the Group always makes decisions on a consensus basis each one of the 45 participant states possesses a formal veto. Support for the nuclear deal has come so far only from the nuclear weapon states France, the UK, and Russia.<sup>8</sup> The American course has been criticized by, alongside China, the traditional advocates of disarmament Ireland, New Zealand, Norway, Austria, and Sweden. Political heavyweights such as Brazil, Japan, and Germany have so far not taken a clear position.

The German government has tacked for months concerning how it will react to the nuclear deal. According to press reports the Foreign Office is split on the question. While the Asia department pragmatically calls for support for the American line the disarmament department advocates the imposition of stronger conditions on India. There is obviously considerable fear of angering Washington or New Delhi by criticizing the deal (Muscat 2006). In the run-up to the state visit to Germany of Indian premier Singh in April 2006 the German ambassador in New Delhi, Bernd Mützelburg made it clear that »we would be glad to see and already see ... that India is increasingly attaining the same rank as the other

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7. At the time of writing similar legislation was expected to be passed by the US Senate in September 2006.

8. Paris has wanted to cooperate with India in the nuclear sector for a long time. President Jacques Chirac signed a corresponding agreement on February 20, 2006 with New Delhi (see Declaration by India and France, 2006).

nuclear weapon states, with the same rights and the same duties. That is a process that we will willingly support. Therefore we will not object to the civil nuclear agreement with the USA« (cf. Baruah 2006).

Since this advance the German government has avoided any commitment on this issue central for non-proliferation.<sup>9</sup> Foreign minister Frank-Walter Steinmeier asked merely »whether another time might be better for such an agreement given the ongoing negotiations with Iran« (Steinmeier 2006). In a joint press conference with Prime Minister Singh in April 2006 Chancellor Angela Merkel avoided any commitment but made it clear that Germany would wait to see how the US Congress would decide: »Then we will see in the Nuclear Suppliers Group,« according to Merkel (Federal Press Conference, April 23, 2006). The German government appears to want to avoid the topic and is hiding behind partners and allies. If the nuclear deal founders in Washington or New Delhi the problem will have solved itself. If the US Congress consents to the agreement, however, the government can argue that the force of circumstances makes German agreement to the lifting of sanctions necessary.

In the Bundestag misgivings preponderate. All three opposition parties have tabled motions which either call for a continuation of the supply embargo or call on the German government to link agreement to the deal to Indian assent to arms control. There is clearly no agreement in the government coalition on what position should be taken to the nuclear deal. While in a parliamentary debate at the beginning of March 2006 the disarmament spokesman of the CDU/CSU faction, Karl-Theodor Freiherr zu Guttenberg, described the agreement as »ambivalent,« his counterpart from the SPD, Rolf Mützenich, warned that the deal called into question the principle anchored in the NPT that only states which renounce nuclear weapons will be rewarded with access to civil nuclear technology. »This is the first time that this principle has unilaterally – it must be said – been thwarted« (German Bundestag, Records of the plenary sessions 16/23: 1805). Cross-party unity still reigns, however, that the German government should try to improve the deal and oblige India to stricter arms control measures (German Bundestag, Records of the plenary sessions 16/23: 3176–3179, 3207–3210).

Through its passive stance the German government is missing an opportunity to help determine the conditions of a lifting of nuclear sanc-

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9. The answer to a question by the Bundestag faction Bündnis 90/Die Grünen on the topic remained largely devoid of substance (cf. *Bundestags-Drucksache 16/1373*).

tions. This is all the more astonishing as the Foreign Minister and the SPD recently selected nuclear disarmament and non-proliferation as a major topic of German foreign policy. Particularly in the first half of 2007, when Germany will have the EU presidency and the chair of the G8 at the same time, nuclear disarmament and non-proliferation will increase in significance (Beck 2006).

There is some room to maneuver between unconditional agreement and total rejection of the nuclear deal which can be used to bind India more firmly into the network of multilateral arms control obligations without damaging transatlantic or German-Indian relations. The dispute about the right conditions for the lifting of nuclear sanctions and so the integration of India, Israel, and Pakistan in non-proliferation is in full swing. Its outcome will depend largely on the European advocates of arms control, like Germany, because only they have the political weight to defy the nuclear weapon states.

Since India would like to join the club of recognized nuclear weapon states it is reasonable to demand that it obey the same rules as them. In concrete terms, this concerns three areas.

First, India must acknowledge the nuclear disarmament obligations of Article VI of the NPT and take the same arms control steps as the other recognized nuclear weapon states. Before the nuclear supply restrictions are lifted India must sign the Nuclear Test Ban Treaty and declare a binding moratorium on the production of weapons grade fissile materials. The supply states should make it clear that a breach of these obligations – for example, by a nuclear weapons test – would lead to renewed sanctions.

Second, India must define what it means by a »credible minimum deterrence« and specify reliable boundaries for its nuclear weapons policy. This transparency is necessary in order to diminish the danger of a regional arms race. A refusal on India's part to clearly outline its own nuclear weapons potential would be an indication that India also wishes to use civil supplies to advance its nuclear armament.

Finally, India must clearly, permanently, and verifiably separate civil and military nuclear fuel cycles. All facilities, including those yet to be built, which also only partly serve civil purposes must permanently come under »safeguards.« Until the corresponding control agreements with the IAEA come into force supply restrictions should not be lifted.

These steps would be eloquent expression that India is ready to draw closer to the global non-proliferation regime. Such measures would also lead towards the goal of a nuclear free world. Giving up this goal and

drawing back from the requirement that India, Israel, and Pakistan enter the NPT as non-nuclear weapon states would mean admitting the collapse of the NPT. How the international community deals with the Indian nuclear program will decide the future of nuclear disarmament and non-proliferation as a whole.

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