

123 AGREEMENT IS A GILDED CAGE, PK Iyengar
INDIA-U.S. NUCLEAR DEAL The promise of nuclear technology doesn't **translate** to much in real terms. Long years of isolation have made us self-sufficient in the technologies needed for our three-stage programme. The US nuclear industry hasn't built nuclear plants in over 20 years. It is more likely that we can help them, rather than that they can help us

BY DR P.K. IYENGAR

For some reason, the text of the 123 Agreement of the India-US "civilian" nuclear deal was kept secret until it was approved by the Union Cabinet. Once the text was made public, the reason became clear. In spite of the best efforts of our negotiators, the United States has succeeded in imposing the Hyde Act on us. The relevant part of the Agreement is Article 2, which states: "The parties shall cooperate in the use of **nuclear energy** for peaceful purposes, in accordance with the provisions of this agreement.

Each party shall implement this agreement in accordance with the respective applicable treaties, national laws, regulations, and license requirements concerning the use of nuclear energy for peaceful purposes."

The treaties and national laws alluded to above certainly include the NPT and the Hyde Act. Thus, by signing this Agreement we would essentially agree to bind ourselves to the Hyde Act, whose provisions are not acceptable to India as declared by the government of India and the political parties, and not by the scientists alone. This Article can be used by the US government at any time to delay, block, or disapprove **collaboration** in critical areas dealt with in the 123 Agreement. The consequences are very serious to the future generations of this country, and I therefore have serious objections to this Article. There is a belief in some quarters that the ambiguity in the language of the Agreement will somehow help us circumvent the Hyde Act. Article 2 makes it clear that there will be no ambiguity in the actions of the US if we go against the Hyde Act. Some suggest that our only hope is that the US Congress will refuse to ratify this Agreement, just like they refused to ratify the CTBT in spite of the US administration getting almost the whole world to sign the treaty.

However, since this agreement is a total gain for the US non-proliferation lobby, it may even be agreed to by the US Congress. It is therefore essential that we do not go ahead with this Agreement without further, and explicit, assurances from the US.

We should also be clear about what we can expect to get from the Agreement, if it does go through. The much-hyped promise of nuclear technology doesn't translate to much in real terms. Long years of isolation have made us self-sufficient in the technologies needed for our three-stage programme, particularly fast-breeder technology.

Besides, the American nuclear industry hasn't built nuclear plants in over 20 years. It is more likely that we can help them, rather than that they can help us.

Nor can we be sure that we will get copious and cheap **nuclear power**. The actual building of nuclear plants will be driven by market forces. It is not clear that

such plants will provide cheap nuclear energy, given the high price of uranium in the international market.

Other costs are also likely to be high, and we may well end up with not one but several Dabhols.

The events witnessed in Parliament on August 14 clearly bring out the fact that there is no national consensus on this issue, with almost all non-UPA parties protesting against the government steamrolling Parliament. The fact that on such a crucial issue of national importance, it is possible for the government to take a unilateral decision against the wishes of the majority of the elected representatives in Parliament shows that there is a lacuna in our political system.

Another weakness comes from the whip system practised by the parties which prevents the elected representatives from airing their opinions openly. But the vigorous debate in Parliament is also a healthy sign that Indian democracy is showing its teeth for the first time.

It has been sixty years that India has gained freedom from colonialism and asserted its sovereignty.

Through the Dandi March Mahatma Gandhi showed how the most basic rights of the people were being controlled and suppressed by the colonial government, even for a simple matter like producing salt from seawater using radiation from the sun. In the last 50 years, the Department of Atomic Energy and the scientists in particular, thanks to the founders, have maintained our sovereign right to research and develop technologies for practical applications in the nuclear field.

The country has never subjected itself to external restraints - thus not agreeing to sign the NPT, which is almost universally accepted. Through the 123 Agreement the US has presented us with a gilded cage. By signing the Agreement we would voluntarily walk into the cage. Then it only remains for the US Congress to lock the door by the simple act of ratifying the 123 Agreement.

! DR P.K. IYENGAR is a former chairman of Atomic Energy Commission