

Strategic Young Researcher Overseas Visit Program for Accelerating Brain Circulation  
Dispatch Report

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Place of fieldwork: The United Kingdom (London)

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- **Research background**

The author has examined changes to India's nuclear armaments and energy policies since 1998, focusing on multidimensional factors at both domestic and international levels. The first research trip under the program was conducted in India between February and March 2013. As a result of this trip, the following two points were clear: 1) The point of convergence in debates on development and deployment of nuclear armaments in India is a restrained nuclear policy, and 2) The Indian government and the Nuclear Power Cooperation of India Ltd. (NPCIL) are being aggressive in building internal and external acceptance of its development of advanced nuclear technology, such as the enrichment and reprocessing of uranium and even thorium. The second research trip was conducted in Washington DC, U.S.A., in March 2013. As a result of the trip, two points became clear: 1) The broader shared understanding on the American side is that India's current nuclear armament policy is a restrained posture, and 2) The South Asian security environment still remains unstable due to Pakistan's radical nuclear weapons program, despite (or because of) the U.S.-India Civil Nuclear Agreement.

- **Research purpose and aim**

The purpose of this research was to understand the attitude of the U.K. on nuclear cooperation between Britain and India, in order to grasp the dynamics of the transformation of nuclear global governance. This third research trip was conducted between 7 April and 16 September 2013 at School of Oriental and African Studies (SOAS), at the University of London.

- **Results and achievements of the fieldwork**

***British civil nuclear energy cooperation with India since 2002***

Starting in March 2002, the British government did not allow any transfer of civil nuclear energy technology to India, which has yet to accede to the 1968 Nuclear Non-Proliferation Treaty and conducted a nuclear test detonation in May 1998.<sup>1</sup> On July 2005, the governments of the U.S. and India agreed to engage in civil nuclear energy cooperation. Almost one year later, on 2 March 2006, the same day that the U.S. and India agreed on a plan

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<sup>1</sup> The written ministerial statement officially admitted the fact that “[s]ince March 2002 UK policy has been to refuse all licence applications for trigger-list items to India”. See Written Ministerial Statements of the House of Lords to “Nuclear Industry: India”, 10 November, 2008, available at <<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/81110-wms0002.htm#0811105000008>>.

of separating Indian civil-use nuclear facilities (subject to civil nuclear energy cooperation between the U.S. and India and under the International Atomic Energy Agency's [IAEA] safeguards), from military-use ones, the British Prime Minister officially approved civil nuclear energy cooperation with India.<sup>2</sup> The reason for this approval by the British government was clearly explained by Dr. Kim Howells through a Written Statement of the House of Commons issued on 13 March 2006, which read:

We believe the agreement between the US and India on nuclear arrangements will have a positive impact on the broader nuclear non-proliferation framework, of which the nuclear non-proliferation treaty (NPT) is the cornerstone. We do not believe the agreement will have a direct [negative] impact upon the NPT. We remain committed to the objective of universal NPT adherence. India has committed to place more reactors under International Atomic Energy Agency (IAEA) safeguards, including all future civilian reactors, to sign an Additional Protocol with the IAEA, to adhere to the Guidelines of the Missile Technology Control Regime and the Nuclear Suppliers Group, to continue its unilateral moratorium on nuclear testing, and to work with the US for a multilateral fissile material cut-off treaty [(FMCT)]. Implementation of these commitments will bring India further into and thereby strengthen the broader nuclear non-proliferation framework, which is underpinned by the NPT.<sup>3</sup>

These explanations directly reflected the official U.S. position.<sup>4</sup> However, it was suddenly publicised through a Written Ministerial Statement of the House of Common issued on 3 May 2006 that “[at the time of] August 2005, the [British] Government [has already] revised the [basic] position adopted in 2002 on [her] policy regarding the export of nuclear related items to India” so as to be able to “consider on a case-by-case basis licence applications for items on the [Nuclear Suppliers Group (NSG)] Dual-Use [Export] List..., taking into account the risk of use in, or diversion to, unsafeguarded nuclear fuel cycle or nuclear explosive activities, or acts of nuclear terrorism; the risk of possible onward transfer of these items to other states for proliferation purposes”.<sup>5</sup> This simply means that “[t]he restrictions... in force [at the time were] less stringent than those in force in 2002 [, but it was in accordance

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<sup>2</sup> See Written Answer of the House of Common to “Nuclear Cooperation”, 7 March 2006, available at <<http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060307/text/60307w30.htm>>.

<sup>3</sup> See Written Answers of the House of Common to “Non-Proliferation Treaty”, 13 March 2006, available at <<http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060313/text/60313w19.htm>>.

<sup>4</sup> For instance, the Under Secretary for Political Affairs of the U.S. Department of State, R. Nicholas Burns stated on 27 July 2007 that “the U.S.-India [civil nuclear energy cooperation] agreement strengthens the international non[-]proliferation regime”. That is because, it “brings India[, which is on the outside of the regime,] back into the nonproliferation mainstream in a way it was not before” by the agreement “put[ting] the majority of [Indian] civilian reactors under IAEA safeguards”. See “On-The-Record Briefing on the Status of the U.S.-India Civil Nuclear Cooperation Initiative and the Text of the Bilateral Agreement for Peaceful Nuclear Cooperation (123 Agreement)”, 27 July 2007, available at <<http://2001-2009.state.gov/p/us/rm/2007/89559.htm>>.

<sup>5</sup> According to the same statement, the weapons of mass destruction end-use export control of the U.K. also have been relaxed as case-by-case licence applications. See Written Answers of the House of Common to “India (Defence Exports)”, 3 May 2006, available at <<http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060503/text/60503w25.htm>>.

with] the UK's... international obligations and non-proliferation commitments".<sup>6</sup> Just after the NSG Extraordinary Meeting on 8-9 May 2008 moved to give India special exemption from the 1992 NSG Export Guidelines, the British government announced through a Written Ministerial Statements of the House of Lords issued on 10 November 2008, that in accordance with the 2008 NSG decision, the U.K. export control policy against India had clearly changed into one that implies that "[the British government] will now consider on a case-by-case basis licence applications for peaceful use of all items on the NSG trigger list and NSG dual-use list when they are destined for IAEA-safeguarded civil nuclear facilities in India".<sup>7</sup>

The two years later, after a prolonged negotiation between the governments U.K. and India, they signed the Joint Declaration by India and United Kingdom on Civil Nuclear Cooperation, on 11 February 2010.<sup>8</sup> During the drafting period of the declaration, the British government requested that India insert a sentence in the preamble stipulating mutual cooperation with earlier conclusion of the FMCT, probably in line with the NPT. The British government, however, appeared to be resigned the proposal, because India raised a counter proposal saying that "[India's] official position... which calls for a universal, non-discriminatory and verifiable treaty" should be evenly stipulated.<sup>9</sup> The declaration indicates that both governments share an interest in cooperating even in the fields of "management of radioactive waste and spent fuel for peaceful and non-explosive civil uses" and "decommissioning of nuclear installations".<sup>10</sup> It should be noted that the Declaration did not contain an explicit provision allowing India the right of enrichment and reprocessing of nuclear spent fuels transferred by the U.K., and enrichment and reprocessing-related (ENR) components export, like the 2008 U.S.-India Civil Nuclear Energy Cooperation Agreement.<sup>11</sup> This fact implies that the British government position may be different from the Indian position in asking for 'full' civil nuclear energy cooperation, in other words, a 'clean' waiver from the 1992 NSG Export Guidelines.<sup>12</sup>

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<sup>6</sup> *Ibid.*

<sup>7</sup> *Supra* note. 1.

<sup>8</sup> *See* Joint Declaration by India and United Kingdom on Civil Nuclear Cooperation, 11 February 2010, available at <<http://dae.nic.in/writereaddata/indouk.pdf>>.

<sup>9</sup> Mehdudia, Sujay "India, U.K. finalise text of civil nuclear cooperation", 5 February 2010, *The Hindu*, available at <<http://www.thehindu.com/news/national/india-uk-finalise-text-of-civil-nuclear-cooperation-deal/article101007.ece>>.

<sup>10</sup> *Supra* note. 8.

<sup>11</sup> It is true to say that an bilateral agreement will be concluded in the future can contain a right of enrichment and reprocessing and ENR export, since article 4 (1) of the Joint 2010 Declaration stipulates that "other areas of co-operation as may be mutually decided upon by the Governments of India and the United Kingdom" is possible to be taken.

<sup>12</sup> The British government's position may be different in comparison with the U.S., France and Russia. For instance, although the NSG Plenary Meeting held at Noordwijk on 23-24 June 2011, decided to amend the 1992 NSG Export Guideline inserting a new provision stipulating that an ENR export shall be refrained to a country which is a non-party the NPT, these three countries respectively issued the statements saying that the amendment is not applied to India. Contrary, the Dutch Ambassador Piet de Clark, who chaired the NSG Plenary Meeting at the time, stated that India might had understood that the amendment to the NSG Export Guideline limiting an ENR export to a non-party to the NPT could be absolutely applied to India, because negotiation toward the amendment was already there before the 2008 NSG decision. *See* "The NSG in a Time of Change: An Interview with NSG Chairman Piet de Klerk", 2011, available at <[http://www.armscontrol.org/act/2011\\_10/Interview\\_NSg\\_Chairman\\_Piet\\_de\\_Klerk](http://www.armscontrol.org/act/2011_10/Interview_NSg_Chairman_Piet_de_Klerk)>. On the other hand, the Former

In conclusion, it appears that British nuclear policy is strictly in line with the nuclear non-proliferation regime, specifically the decisions of the NSG, even in terms of matters regarding civil nuclear cooperation agreement with India. Furthermore, it is said that the reason for the delay in further negotiation between India and the U.K. regarding civil nuclear energy cooperation between Britain and India is the weakened condition of the British nuclear industry.<sup>13</sup>

- **Implications and impacts on future research**

In order to clarify the transformation of nuclear global governance, British civil nuclear energy cooperation with India can be characterised as follows:

- The extent of British civil nuclear energy cooperation with India remains limited in comparison with that of the U.S. and France, apparently reflecting the strong desire of Britain to adhere strictly to the tenets of the NSG.

Needless to say, the nature of India's nuclear global governance cannot be understood only by examining changes in nuclear cooperation between the U.K. and India. Therefore, further and more extensive studies are needed.

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Minister of the Ministry of External Affairs of India S.M. Krishna issued the statement in the Lok Sabha on 10 August 2011, merely saying that India has obtained a 'clean' waiver from the Guideline and thus a 'full' civil nuclear energy cooperation is assured, referring to the statements issued by the U.S., France and Russia. *See* Suo Moto Statement in Lok Sabha By S. M. Krishna External Affairs Minister on "Nuclear Enrichment and Reprocessing Technology", 10 August 2011, available at <[https://www.indianembassy.org/archives\\_details.php?nid=1617](https://www.indianembassy.org/archives_details.php?nid=1617)>.

<sup>13</sup> For instance, Mr. Mark Tokola, Acting Deputy Chief of Mission Embassy of the United States in London, also mentioned so. This information is based on a personal conversation with Mr. Mark Tokola at the SOAS, University of London, on 28 May 2013.