

**Stephen P. Cohen's Answers to "Questions for the Record" request of
Senator Joseph R. Biden, Jr.**

May 15, 2006

[Questions are summarized, I have not answered those that involve areas where I have limited competence, or those addressed to other witnesses. SPC]

1) Q: Are we right or wrong to seek a new status for India with respect to the NPT?

A: We are right to do so, and India should be treated as a nuclear weapons state (NWS). An analogy is the recent bill for amnesty and the regularization of illegal immigrants: India has had to wait; it will have to demonstrate that it will be a responsible NWS; and it will receive no special advantage, but its fundamental status will change. I don't think the administration has thought this out carefully, as it still insists that India will not be a "nuclear weapons state" under the treaty.

2) Q: What standards should India meet?

A: The test should not be the safeguarding of reactors (India will have more reactors under safeguard than all the NWS combined); that really is an irrelevant issue. We should be more concerned about India's behavior in terms of cooperation on non-proliferation (membership and adherence to various regimes), and its restraint in terms of developing a nuclear arsenal in such a way that it does not trigger an arms race with its neighbors.

3) Q What is the risk that the "deal" will indirectly help the Indian military nuclear program, suggest to other countries that they, too, can develop nuclear weapons, and increase instability in South Asia?

A: There obviously is some risk, but as I noted in my testimony India is unlikely to build a very big arsenal (its nuclear policy has been entirely reactive, not based upon some master-plan to become a major NWS). The incentives of other states will be region and situation specific. India has provided the rhetoric to justify other states wanting to become NWS (especially for Iran and North Korea), but their circumstances drive them towards nuclear weapons quite independently of the Indian example; the South Asian case can be met by active diplomacy that would urge all states to do what is in their interest anyway—avoid an open-ended nuclear arms race. Here India should be encouraged to take the lead as a 'responsible' new NWS.

4) Q: How can we maximize energy and economic benefits of the deal while encouraging India's transition to a stakeholder in the international system and global non-proliferation regimes?

A: It is in India's economic interest to be seen as a responsible global stakeholder; this will shape, on the margins, the willingness of many important companies to invest in

India (its democratic politics and internationally moderate positions are part of its comparative advantage vis-à-vis China for many investors). The US should continue to stress the importance of India's membership in such regimes, and link this to the argument that a globally-engaged and responsible India is a good place to put American investments. These investments could include civilian nuclear technology; while the French and Russians may be less concerned about such matters; Japan certainly is, and there are plans for Japanese investment in the Indian civilian nuclear industry.

5. Q: There is uncertainty about what India will actually do if the deal is consummated. What should Congress do to ensure compliance?

A: I'd concur with the suggestion that regular reports be generated by the Executive Branch. These could provide information regarding Indian compliance. India, of course, may do its own reports, measuring American compliance. There is bound to be slippage and disagreement on both sides, Congress cannot negotiate these, but it certainly can seek reassurance that the overall framework is intact. As for testing, there may be circumstances when we would want to overlook Indian tests (perhaps following Chinese or Pakistani tests, or American ones), but at that point the least of our worries will be a small and still unproven Indian nuclear arsenal. Our arms control and strategic diplomacy should ensure that we do not reach a point where major (and minor) states regard nuclear testing as in their interest.

6-8 not answered

9. Q: should Congress request that the Executive Branch pursue a FMCT moratorium on a regional or five-NWS basis, and report regularly on its progress.

A: Yes, this would be desirable, and I hope that there will be a more accommodating Executive Branch on such initiatives in the next few years.

10. Q: Should Congress limit the scope of US nuclear fuel assurances to India, or abide by UNSC sanctions that might some day be imposed?

A: Definitely not. I don't expect India to violate the agreement—there are many ways in which compliance can be assured through normal diplomacy. A UNSC sanction could only flow from some catastrophic event (an India-Pakistan nuclear war?), fuel supplies, in such a case, would be the least of our concerns; we cannot prejudge who will be right and who will wrong.

11. Q: Should Congress require that safeguards be in perpetuity and should Congress bind India to Article I of the NPT, (not to help other states get nuclear weapons?)

A: Both of these are reasonable requests, and as I read the two communiqués and Indian public statements it appears that India has agreed to them. Certainly, adherence to Article I, in spirit, is essential. More broadly, it is our responsibility, as a great power, to pursue

diplomacy which will ensure that a situation in which India might be tempted to assist another state to go nuclear never arises.

12. Q: Should Congress require that India bind itself to the responsibilities of Article I?

A: This, and the policy suggested in Q. 11, are unobjectionable, but largely are “feel good” amendments. In my judgment India has already made such commitments; it should have no trouble in reiterating them publicly, but I doubt whether the Indian government will want to itself report back to Congress! Indian compliance with its own pledges and promises might best be monitored by the Executive Branch, which can periodically report to Congress.

13. Q: India’s plan to separate military and civilian facilities will be phased in over an eight year period; should civilian nuclear assistance also be phased in, and should there be no sales until India has provided plans for a new facility to the IAEA?

A: On both questions, yes. It will take at least five years to build a nuclear plant in any case, and I see no reason why sales should not wait until the IAEA approves the plan for a new facility.

Specific Question for Stephen Cohen

15. Q: Based on your contacts with the Indian nuclear and strategic community, would you still favor this deal if you did not have confidence that India is unlikely to exercise its “maximum rights” to increase its production of fissile material?

A: I would not favor the deal if I believed that India sought to become a “major” nuclear power, i.e. develop forces larger than those of, say, China, and were it to build a nuclear delivery system that would enable it to strike targets in Europe or America. At the moment, the Indian strategic and nuclear communities would not favor such a capability, but I would be alarmed if circumstances were to lead to such a policy. My confidence in the modesty of Indian plans rests upon some assumptions about India as a state (democratic, secular, globally-interconnected culturally and economically, and not eager to enter into an arms race with major strategic rivals). A very different India cannot be ruled out entirely (after all, India was under authoritarian rule for eighteen months during the period of the Emergency under Mrs. Gandhi), but I would regard such an India as very unlikely for the foreseeable future. Hence, my conclusion that our recognition of India as a NWS, and support for its civilian nuclear program, if coupled with a renewed arms control diplomacy, will be to our advantage, especially if we can persuade India to become a partner in such diplomacy. The deal makes such a partnership possible, although it does not ensure it.