



## **A STEP FORWARD BY INDIA: RATIFICATION OF THE ADDITIONAL PROTOCOL**

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Recently, India went another step forward in joining the international non-proliferation regime by declaring its ratification of the IAEA's Additional Protocol (AP). The Indian ratification of the AP by the new government was actually inevitable, as previously in 2009, India had already signed the Additional Protocol. But the speed with which it happened, within weeks of the new government coming to power is noteworthy.

India had signed the AP in 2009 as part of the US-India civilian nuclear cooperation. The US providing civilian nuclear cooperation agreement to a non-NPT country had invited severe criticism of the proponents of non-proliferation from the US and elsewhere. In-fact, in recent years, the US-India nuclear deal was viewed as damaging to the nuclear non-proliferation regime, especially since Pakistan, a country widely recognised for its nuclear proliferation record has been arguing for a similar waiver from the Nuclear Suppliers Group (NSG) to acquire a similar deal from the United States. It was argued that a by making India an exception to the IAEA full scope safeguards, credibility of the NPT had been questioned.

Such criticism, however, overlooks the concessions that India has offered to be a part of international nuclear commerce. It drew up a separation plan to place 14 indigenously designed and constructed nuclear reactors under international safeguards, signed an India specific safeguards agreement with the IAEA and accepted the AP, which not many countries have done yet.

India has thereby expressed its faith in the IAEA verification regime and supported its objective of nuclear non-proliferation. The IAEA's Additional Protocol (AP) being an extension of its comprehensive safeguards adds to IAEA's inspection capabilities, the AP is a legal document that asks for the non-proliferation assurances from the undeclared facility of the state. Usually under the AP a states non-proliferation assurances are only verified, which it had already given under the comprehensive safeguards. The special inspections under the AP are carried out only when the information previously shared is inadequate for the IAEA to deliver on its assurances.

Under the AP short notice visits could be conducted at any time of the nuclear lifecycle. The IAEA inspectors may access parts of a states nuclear fuel cycle including fuel fabrication, and the enrichment plants, and nuclear waste sites. Since nuclear technology is a dual use technology these key steps in a nuclear fuel cycle could be used as indicators to estimate the growth of a State's nuclear weaponisation.

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By granting the IAEA an access to its specified civilian facilities India has actually honoured its own non proliferation commitment. If a degree of nuclear non-proliferation is to be maintained, and if the global community believes it as essential for nuclear security, a collective multilateral endeavour is to be sustained. The reality of international relations dictates that no country can unilaterally act upon this objective. The IAEA is the only international organisation officially responsible to inspect the nuclear facilities of more than 100 national nuclear programmes and would continue to do so as more countries move towards nuclear energy expansion. The degree of efficacy of these safeguards is open to debate and positions of strategic experts vary. However it is also true that the IAEA is the only nodal point for coordination for diversified civilian nuclear activities that provides

some assurances about how its member states are abiding by their international commitments of nuclear non-proliferation.

The IAEA is the only multilateral international organisation that functions to deter nuclear country from diverting nuclear technology and materials from peaceful to military programmes. This is also one reason why India's ratification of the Additional Protocol is to be viewed in the positive light. Under the backdrop of expansion of Indian nuclear energy programme in future, India sooner or later might have to explicitly announce its non-proliferation record.

Through the Additional Protocol's ratification India has also cemented further its relationship with the IAEA. In- fact last year (2013) India also extended its cooperation to IAEA's nuclear security fund and also started working more closely with the IAEA under the newly initiated Global Centre for Nuclear Energy Partnership (GCNEP), which supports and in future would be responsible for promoting international cooperation in area of nuclear energy.

By ratifying the IAEA's Protocol, India has also made a more plausible case of for its NSG membership, which if accepted would mean a huge symbolic victory for the Indian nuclear diplomacy.

The nuclear posturing of India recognises the concept of 'credible nuclear deterrence'. While the concerns about revelation of "comprehensive picture of India's nuclear activity"<sup>i</sup> to IAEA remains valid, one may argue that any at present the national nuclear interests lies in going ahead with its plans for a robust nuclear energy development responsibly. Hence from the standpoint of nuclear non-proliferation, the Indian ratification of the IAEA's Additional Protocol could be viewed as a level-headed decision by the new government ensuring the continuity in India nuclear energy policy.

***(Disclaimer: The views and opinions expressed in this article are those of the author and do not necessarily reflect the position of the Centre for Air Power Studies [CAPS])***

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<sup>i</sup> Bharat Karnad, (27 June 2014) "India's Unused Nuclear Leverage", Available at <http://bharatkarnad.com/2014/06/27/indias-unused-nuclear-leverage/>, Accessed on 27<sup>th</sup> June 2014.