

Expose the Hyde Act's Assaults on India's Sovereignty: Scrap the Nuke Deal!

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No more can anyone peddle the fiction that the Indo-US Nuke Deal would not have US strategic strings attached. Contrary to the claims of Manmohan Singh that the Act passed by US Congress last week is a welcome one, despite some 'extraneous and prescriptive' provisions, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (Hyde Act) signed by the US President on December 19 makes it abundantly clear that the restrictive and prescriptive strategic strings, far from being 'extraneous', form the warp and weft of the Deal and are nothing short of a noose for Indian sovereignty and self-respect. The Hyde Act goes far beyond the Deal itself - it spells out what kind of relation the US visualises with India: a relation a client state that is fully 'compliant' with the US master.

'Civilian nuclear cooperation' as defined by the Hyde Act is hedged around with restrictions, giving the US ample leverage to control and punish Indian behaviour. It spells out that India can receive nuclear fuel or nuclear reactors but not any technology that could be used for its nuclear fuel cycle - be it fuel enrichment, fuel reprocessing or heavy water production. Further, India is barred from building up any strategic reserves of nuclear fuel to run its reactors, and the Hyde Act warns that in case the US decides to cancel fuel supplies due to any but market reasons, it will ensure that other NSG suppliers also are barred from supplying India with fuel.

The version of the Bill introduced in Congress stated that India could qualify for the Deal if it 'has a functioning and uninterrupted democratic system of government, has a foreign policy that is congruent to that of the United States, and is working with the United States in key foreign policy initiatives related to non-proliferation'. The fact that these words do not appear in the final version is cosmetic - the intention continues to suffuse the Hyde Act.

In Section 105 of the act, the US President is called upon to submit a 'written determination that ... India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions.' That the US was using the Nuke Deal to twist India's arms over Iran was always obvious, and the UPA Government, with its anti-Iran vote in the IAEA, showed its abject eagerness to 'comply' even without any written obligation. The US is no longer even bothering to veil its intention to secure India's 'full and active participation' in the US efforts - be they mere bullying or military aggression - to 'dissuade, sanction, and contain' Iran.

The PM in his Parliamentary address in August gave an assurance that the Nuke Deal would insist on 'India-specific' safeguards in the IAEA, rather than the IAEA's existing Modified Additional Protocol. It is now obvious that that assurance was deliberately misleading. According to Section 107 of the Hyde Act, not only is India bound to open up its nuclear facilities to the intrusive IAEA regime as it applies now - 'in the event the IAEA is unable to implement safeguards', US inspectors will be empowered to do so.

Several clauses of the Hyde Act require the US President's 'report' and 'certification' of India's 'compliance' with a range of US 'non-proliferation' objectives. The Hyde Act leaves no doubt that the Nuke Deal is an attempt to bind India to the highly unequal non-proliferation US-sponsored regime

of CTBT/NPT by the backdoor, by barring India from producing 'fissile material' and imposing 'compliance' with NPT as built into the Nuke Deal.

The UPA Government is now peddling the myth that India need not bother itself about the Hyde Act since it is internal to the US; all that concerns us should be the bilateral 123 Agreement which is yet to be signed. But the 123 agreement gets its name from Section 123 of the US' Atomic Energy Act. Since both Section 123 and the Hyde Act both are part and parcel of US law, it is ridiculous to imagine that they might contradict each other. The fiction that the restrictions and prescriptions of the Hyde Act may not apply to '123' just doesn't pass muster.

In August the CPI(M) had restricted its critique of the Nuke Deal to the apprehension that the US was 'shifting of goalposts', and accepted Manmohan's assurances as a 'sense of the House', though his actions of repeatedly voting against Iran at the IAEA flew in the face of those very assurances. Basic questions were ignored: What were the goals for which the original goalposts were fixed? Were there ever any other goals but those of the US' strategic and hegemonic ones? Now, it seems the CPI(M) is finally asking the UPA Govt to 'walk away from the Deal'. But even at this point, the CPI(M) is ambiguous; Prakash Karat has called upon the UPA Govt to 'renegotiate the Deal', not scrap it. The CPI(M) had hailed the very fact that the Deal is being discussed in Parliament as a victory for the Left forces and an assertion that India's democracy was paramount. But the 'debate' in Parliament will be a mere genuflection, an empty gesture to 'democracy'; unless democracy is exercised to actually stop the Nuke Deal in its tracks and scrap it. The indications are that by opting for a 'debate' rather than a vote, the CPI(M) will once again show that its bark lacks bite, even on this most crucial matter of safeguarding India's sovereignty.

The Act passed by US Congress reeks of the cocky confidence that the Indian ruling class and Indian Parliament lack the spine to stand up to the US and reject a humiliating and enslaving Deal. Indian Parliament is only too willing to justify that confidence; it is upto the Indian people to build up a democratic assertion on the streets that can show the ruling class the consequences of such a shameful blow to India's sovereignty and self-respect.

P.S.

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