

รายการอ้างอิง

ภาษาไทย

กนกพรรณ อยู่ชา. อินเดีย. ใน วชิรินทร์ ยงศิริ, พรพิมล ตริโชติ และ ชบา จิตต์ประทุม (บรรณาธิการ), เอเชียรายปี 1996/2539, หน้า 316-333. กรุงเทพมหานคร: สถาบันเอเชียศึกษา จุฬาลงกรณ์มหาวิทยาลัย, 2539.

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ภาคผนวก

ภาคผนวก ก

US-India relations: A vision for the 21st Century

U.S. President Clinton and India's Prime Minister Vajpayee

March 21, 2000

At the dawn of a new century, President Clinton and Prime Minister Vajpayee resolve to create a closer and qualitatively new relationship between the United States and India.

We are two of the world's largest democracies. We are nations forged from many traditions and faiths, proving year after year that diversity is our strength. From vastly different origins and experiences, we have come to the same conclusions: that freedom and democracy are the strongest bases for both peace and prosperity, and that they are universal aspirations, constrained neither by culture nor levels of economic development.

There have been times in the past when our relationship drifted without a steady course. As we now look towards the future, we are convinced that it is time to chart a new and purposeful direction in our relationship.

Globalization is erasing boundaries and building networks between nations and peoples, economies and cultures. The world is increasingly coming together around the democratic ideals India and the United States have long championed and lived by.

Together, we represent a fifth of the world's people, more than a quarter of the world's economy. We have built creative, entrepreneurial societies. We are leaders in the information age. The currents of commerce and culture that link our societies run strong and deep. In many ways, the character of the 21st century world will depend on the success of our cooperation for peace, prosperity, democracy and freedom.

That presents us with an opportunity, but also a profound responsibility to work together. Our partnership of shared ideals leads us to seek a natural partnership of shared endeavors.

In the new century, India and the United States will be partners in peace, with a common interest in and complementary responsibility for ensuring regional and international security. We will engage in regular consultations on, and work together for, strategic stability in Asia and beyond. We will bolster joint efforts to counter terrorism and meet other challenges to regional peace. We will strengthen the international security system, including in the United Nations, and support the United Nations in its peacekeeping efforts. We acknowledge that tensions in South Asia can only be resolved by the nations of South Asia. India is committed to enhancing cooperation, peace and stability in the region.

India and the United States share a commitment to reducing and ultimately eliminating nuclear weapons, but we have not always agreed on how to reach this common goal. The United States believes India should forgo nuclear weapons. India believes that it needs to maintain a credible minimum nuclear deterrent in keeping with its own assessment of its security needs. Nonetheless, India and the U.S. are prepared to work together to prevent the proliferation of nuclear weapons and their means of delivery. To this end, we will persist with and build upon the productive bilateral dialogue already underway.

We reaffirm our respective voluntary commitments to forgo further nuclear explosive tests. We will work together and with others for an early commencement of negotiations on a treaty to end the production of fissile materials for nuclear weapons. We have both shown strong commitments to export controls, and will continue to strengthen them. We will work together to prevent the spread of dangerous technologies. We are committed to build confidence and reduce the chances of miscalculation. We will pursue our security needs in a restrained and responsible

manner, and will not engage in nuclear and missile arms races. We will seek to narrow our differences and increase mutual understanding on nonproliferation and security issues. This will help us to realize the full potential of Indo-U.S. relations and contribute significantly to regional and global security.

The true measure of our strength lies in the ability of our people to shape their destiny and to realize their aspirations for a better life. That is why the United States and India are and will be allies in the cause of democracy. We will share our experience in nurturing and strengthening democratic institutions the world over and fighting the challenge to democratic order from forces such as terrorism. We will cooperate with others to launch an international Community of Democracies this year.

The United States applauds India's success in opening its economy, its achievements in science and technology, its commitment to a new wave of economic expansion and reform, and its determination to bring the benefits of economic growth to all its people. Our nations pledge to reduce impediments to bilateral trade and investment and to expand commerce between us, especially in the emerging knowledge-based industries and high-technology areas.

We will work together to preserve stability and growth in the global economy as well. And we will join in an unrelenting battle against poverty in the world, so that the promise of a new economy is felt everywhere and no nation is left behind. That is among the fundamental challenges of our time. Opening trade and resisting protectionism are the best means for meeting it. We support an open, equitable and transparent rule-based multilateral trading system, and we will work together to strengthen it. We agree that developed countries should embrace policies that offer developing countries the opportunity to grow, because growth is the key to rising incomes and rising standards. At the same time, we share the conviction that human development also requires empowerment of people and availability of basic freedoms.

As leaders in the forefront of the new high-technology economy, we recognize that countries can achieve robust economic growth while protecting the environment and taking action to combat climate change. We will do our part to meet the global environmental challenges, including climate change and the impacts of air and water pollution on human health.

We also pledge a common effort to battle the infectious diseases that kill people and retard progress in so many countries. India is at the forefront of the global effort that has brought us to the threshold of the eradication of polio. With leadership, joint research, and application of modern science, we can and will do the same for the leading killers of our time, including AIDS, malaria and tuberculosis.

We are proud of the cooperation between Indians and Americans in advancing frontiers of knowledge. But even as we unravel the mysteries of time and space, we must continue to apply our knowledge to older challenges: eradicating human suffering, disease and poverty. In the past, our cooperation helped ease mass hunger in the world. In the future, it will focus as well on the development of clean energy, health, and education.

Our partnership is not an end in itself, but a means to all these ends. And it is reinforced by the ties of scholarship, commerce, and increasingly of kinship among our people. The industry, enterprise and cultural contributions of Americans of Indian heritage have enriched and enlivened both our societies.

Today, we pledge to deepen the Indian-American partnership in tangible ways, always seeking to reconcile our differences through dialogue and engagement, always seizing opportunities to advance the countless interests we have in common. As a first step, President Clinton has invited Prime Minister Vajpayee to visit Washington at a mutually convenient opportunity, and the Prime Minister has accepted that invitation. Henceforth, the President of the United States and the Prime Minister of India should

meet regularly to institutionalize our dialogue. We have also agreed on and separately outlined an architecture of additional high-level consultations, and of joint working groups, across the broad spectrum of areas in which we are determined to institutionalize our enhanced cooperation. And we will encourage even stronger people-to-people ties.

For India and the United States, this is a day of new beginnings. We have before us for the first time in 50 years the possibility to realize the full potential of our relationship. We will work to seize that chance, for our benefit and all those with whom we share this increasingly interdependent world.

AGREED PRINCIPLES

Institutional Dialogue Between the United States and India

(1) During the visit of President Clinton to Delhi in March 2000, President Clinton and Prime Minister Vajpayee agreed as part of their vision for the future relationship that a regular, wide-ranging dialogue is important for achieving the goal of establishing closer and multifaceted relations between India and the United States and for the two countries to work jointly for promotion of peace and prosperity in the 21st century. The two leaders agreed on a number of steps to intensify and institutionalize the dialogue between India and the United States.

(2) The President of the United States and Prime Minister of India will hold regular bilateral 'Summits' in alternating capitals or elsewhere, including on the occasions of multilateral meetings, to review bilateral relations and consult on international developments and issues. They will remain in frequent contact by telephone and through letters.

(3) The two countries will also hold an Annual Foreign Policy Dialogue at the level of the Secretary of State of the United States and External Affairs Minister of India.

This dialogue will be broad-based and touch upon all aspects of US-India relations, including considering the work of other groups as appropriate.

(4) The two countries also consider the ongoing Dialogue on Security and Non-proliferation between the Deputy Secretary of State of the United States and External Affairs Minister of India important for improving mutual understanding on bilateral, regional and international security matters. They agreed that this dialogue should continue and take place semiannually or as often as considered desirable by both sides. The Principals of this dialogue will establish Expert Groups on specific issues as considered desirable and appropriate.

(5) Foreign Office Consultations between the Under Secretary of State for Political Affairs of the United States and Foreign Secretary of India will continue. The two leaders believe that close cooperation between the two countries is a factor of stability in the politically and culturally diverse and rapidly transforming Asia. A Dialogue on Asian Security will also be conducted as part of the Foreign Office Consultations. The two sides will also stay in close touch and consult on international democracy initiatives.

(6) The two leaders consider combating international terrorism as one of the most important global challenges. They expressed satisfaction at the establishment of the Joint Working Group on Counter-terrorism and its productive first meeting in February 2000. They agree that the Joint Working Group should continue to meet regularly and become an effective mechanism for the two countries to share information and intensify their cooperation in combating terrorism.

(7) The two leaders see an enormous potential for enhancement of economic and business relations between the two countries in the Knowledge Age. They decided to institutionalize bilateral economic dialogue. They will keep themselves informed and follow developments in the bilateral economic dialogue closely through a high-level coordinating group. The coordinating group will be led on the US side by the White

House with the support of the State Department, and on the Indian side by the Prime Minister's Office with the support of the Ministry of External Affairs.

The Coordinating Group will develop a common economic agenda for and undertake preparations for the Heads of Government meetings. With broad interagency and inter-ministerial representations at senior official levels, it would convene regularly to facilitate close coordination on the various issues raised in the ministerial dialogues and ensure that discussions therein complement and reinforce broad economic and foreign policy objectives, including the deepening of bilateral cooperation on high technology and information technology issues.

US-India Financial and Economic Forum: The US Secretary of the Treasury and the Indian Minister of Finance will host a forum on finance and investment issues, macroeconomic policy and international economic developments at regular intervals. Their meetings at the ministerial level would be supplemented by sub-Cabinet meetings and involve, as appropriate, the participation of the Securities and Exchange Commission, Federal Reserve, Council of Economic Advisors, and other officials of the US Government and the Securities and Exchange Board of India, Reserve Bank of India, and other officials of the Government of India.

US-India Commercial Dialogue: The US Secretary of Commerce and Minister of Commerce and Industry of India will lead a dialogue to deepen ties between the Indian and American Business communities. The dialogue will encompass regular government-to-government meetings to be held in conjunction with private sector meetings. Its aim will be to (a) facilitate trade, and (b) maximize investment opportunities across a broad range of economic sectors, including information technology, infrastructure, biotechnology, and services. Participation will include, as appropriate, representatives of other Cabinet agencies and ministries on both sides. Close contact will be maintained with business associations, and activities will be planned with the benefit of such private

sector input, including the establishment of subcommittees to pursue specific projects or sectoral issues of mutual interest.

US-India Working Group on Trade: The United States Trade Representative and the Ministry of Commerce and other concerned Ministries/Departments of the Government of India will engage in regular discussion to enhance cooperation on trade policy. As appropriate, individual trade issues could be examined in greater depth with the participation of other agencies with corresponding responsibilities and through creation of subgroups. The Group will serve as a locus of consultation on a broad range of trade-related issues, including those pertaining to the World Trade Organization. The Group will receive inputs from the private sector (including trade policy issues identified in the US-India Commercial Dialogue) as appropriate. ...

(8) The two leaders consider cooperation between the two countries in energy and environment an important part of their vision for the future. They have agreed to set up a Joint Consultative Group on Clean Energy and Environment. The Group will hold periodic ministerial/high level meetings as desirable and appropriate and will lay emphasis on collaborative projects, developing and deploying clean energy technologies, public and private sector investment and cooperation, and climate change and other environmental issues. The Co-conveners of the Group will be the Department of State of the United States and the Ministry of External Affairs of India.

(9) The two leaders believe that the strong scientific resources of the two countries provide excellent opportunities for scientific collaboration between them. They agree to set up a US-India Science and Technology Forum. The Forum shall promote research and development, the transfer of technology, the creation of a comprehensive electronic reference source for US-India science and technology cooperation, and the electronic exchange and dissemination of information on US-India science and technology cooperation, and other programs consistent with the previous practice of the US-India Foundation.

(10) Institutional dialogue in other areas will be considered as mutually agreed.

Source: <http://www.usindiafriendship.net/archives/usindiavision/delhideclaration.htm>

ภาคผนวก ข**Joint Statement of the India-US Joint Working Group on Counterterrorism**

Washington, DC

July 12, 2002

The fifth meeting of the India-US Joint Working Group on Counterterrorism was held on July 11-12, 2002 in Washington D.C. Coordinator for Counterterrorism Francis X. Taylor hosted the meeting at the Department of State. Joint Secretary Jayant Prasad of the Ministry of External Affairs headed the Indian delegation. Both delegations included officials and experts from their respective governments in line with the multidisciplinary approach needed to successfully fight terrorism. The India-US Joint Working Group on Counterterrorism was established in January 2000.

The Joint Working Group has met three times in the past twelve months, reflecting the importance that the two sides attach to international cooperation in combating terrorism. The past year has been a watershed for the two democracies in confronting the challenge of terrorism.

During this period, India and the United States have accomplished much in their counterterrorism cooperation. They have, inter alia:

- Broadened their exchange of information and assessments on the international and regional terrorist situation;
- Strengthened intelligence and investigative cooperation;
- Qualitatively upgraded and expanded anti-terrorism training programmes for Indian law enforcement officials;
- Signed a Mutual Legal Assistance Treaty;
- Launched a bilateral Cyber Security Forum, with a wide-ranging programme of action to address of cyberterrorism and information security;



- Introduced military-to-military cooperation on counterterrorism to supplement the initiatives of the India-US Defence Policy Group in this area;
- Worked together closely on multilateral initiatives on terrorism, including on the implementation of UNSC Resolution 1373;
- Initiated dialogue and cooperation in homeland/internal security, terrorist financing, forensic science transportation security and border management; and
- Taken concrete steps to detect and counter the activities of individual terrorists and organisations of concern to the two countries.

The two delegations reviewed the international terrorist situation, including in South Asia, Central Asia and Southeast Asia. They shared their assessment of the impact of the military, law enforcement, financial and other measures taken against terrorists and their networks over the last six months. They expressed satisfaction at the progress made in the campaign against Al-Qaeda, but also recognised that the efforts of Al-Qaeda cadres and associates to regroup in other countries and to form coalitions within other groups continue to pose a serious threat. The two sides agreed to further intensify intelligence sharing and coordinate action in pursuit of the remains of Al-Qaeda members and associated terrorist groups. The delegations also discussed the nexus between weapons of mass destruction, proliferation and terrorism.

The delegations reviewed their cooperation in the areas of anti-terrorism assistance and capacity building programmes conducted by the United States, border monitoring, military-to-military cooperation, law enforcement exchanges and legal assistance, internal/homeland security, counterterrorism finance and money laundering operation, transportation and aviation security and cyberterrorism.

The delegations expressed their strong support for the full and effective implementation of UNSC Resolution 1373 and the work of the UN Security Council's Counterterrorism Committee. UNSCR 1373 provides a comprehensive and mandatory framework for sustained global action against terrorism. In addition, both sides

consulted on the possibility of an early finalisation of an effective Comprehensive Convention on International Terrorism.

The two delegations reviewed cooperation in the areas of extradition and mutual legal assistance with a view to deepening and broadening that cooperation. Both sides agreed to continue full cooperation in the investigation of the hijacking of Indian Airlines flight 814.

Recognising the importance of equipment and technology in strengthening counterterrorism capability, the US Technology Support Working Group will meet with its Indian counterpart before the next JWG. Discussions on counterterrorism equipment between the US Department of Defence and India's Ministry of Defence will continue under the aegis of the Defence Policy Group. Both sides also agreed to continue their dialogue on technology tools for enhancing border management.

India and the United States unequivocally condemned all acts of terrorism, whatever the supposed justification, and reaffirmed their nations' commitments to cooperate in preventing acts of terrorism and neutralising terrorist organisations, which are a threat to international peace and security.

The resolve of India and the United States to fight terrorism has never been stronger, and their commitment to intensify bilateral cooperation in this endeavour is deeper than ever before. Nowhere is this more evident than in the mutual support rendered in response to terrorist attacks in the two countries.

The Joint Working Group agreed to hold its sixth meeting in New Delhi at the beginning of 2003.

ภาคผนวก ค**Joint Statement of US-India Defense Policy Group**

May 23, 2002

The U.S.-India Defense Policy Group (DPG) met May 20-23, 2002 in Washington, D.C. Under Secretary of Defense for Policy Douglas Feith hosted the meeting and Defence Secretary Dr. Yogendra Narain led the Indian delegation.

In the past year, guided by direction from Prime Minister Vajpayee and President Bush, India and the United States have charted a new course in their bilateral relationship. This course reflects appreciation on both sides of the importance of the U.S.-India relationship in building stability and security in Asia and beyond. This new course entails rapid growth in cooperation on defense and security matters. In a matter of months, the U.S. and India defense establishments have translated the broad vision for the relationship into action. No fewer than a dozen separate groups have met to map out a purposeful path for the U.S.-India defense relationship.

The DPG last met in December 2001. A second meeting within six months reflects the ambitious agenda agreed to in December to accelerate the pace of U.S.-India defense cooperation. At the December DPG, both sides set out to accomplish something significant. They have achieved results. These include:

- combined naval patrols in the Strait of Malacca.
- resumption of defense trade, beginning with the "Firefinder" radar sale.
- combined special forces airborne exercises in Agra, India.
- U.S.-India Ballistic Missile Defense workshop in Colorado Springs, Colo.
- signing of a General Security of Military Information Agreement to facilitate cooperation in defense technology.

These activities are a practical implementation of the ideas developed during the last DPG.

The two sides emphasized the importance of the DPG and other bilateral exchanges in coordinating approaches to security issues in Asia and beyond. They discussed a broad range of such issues, including how to enhance prospects for peace and stability in Asia, strengthen counter-terrorism efforts, and improve the security environment in Afghanistan, including reconstruction efforts and building the Afghan National Army.

They reaffirmed their commitment to work together to prevent proliferation of weapons of mass destruction and their delivery systems. To this end, the two sides agreed to hold further consultations in the coming weeks on the threat such proliferation poses to their common security interests.

The two sides reaffirmed the contribution that missile defenses can make to enhance cooperative security and stability. They decided to hold a future missile defense workshop in New Delhi and agreed on the value of pursuing a missile defense requirements analysis for India. The Indian delegation accepted invitations to the June 2002 missile defense conference in Dallas, Tex., and the June 2003 Roving Sands missile defense exercise.

They agreed that terrorism and state support for terrorism remains a major threat to the security of their two countries. In this context, they noted the success of Operation Enduring Freedom and the broader war on terrorism, and condemned the recent upsurge in terrorist attacks against India. They agreed that an end to terrorism is critical to ensuring a future of peace and stability in South Asia and around the world. They also reiterated their determination to continue the task of eliminating al Qaeda and other terrorist organisations and entities.

The United States and India have demonstrated progress in military cooperation aimed at enhancing mutual capabilities in combating terrorism, including joint research and development of technologies for meeting this threat. They highlighted the importance of the ongoing special operations airborne exercise in building Interoperability between U.S. and Indian armed forces, and agreed to conduct further exercises. The two sides agreed that in the coming weeks their representatives would address counterterrorism equipment requirements for India's special operations forces.

The two delegations approved a range of activities proposed by DPG subgroups responsible for plans for cooperation, including:

- Specialized training programs and joint exercises to be carried out by the armed services of the two countries during the next year.
- Developing a defense supply relationship, including through the government-to-government Foreign Military Sales program. The two delegations agreed on the need to work closely for speedier approvals of export licenses in the United States.
- Resumption of technical cooperation in defense research, development and production, following the meeting of the Joint Technical Group in New Delhi in early March.

They also noted shared interest in continued cooperation in and support for UN peacekeeping operations. India has accepted the U.S. invitation to participate in the multinational peace operations exercise in Bangladesh in September 2002 and has agreed to co-host, with the U.S. Pacific Command, a peacekeeping command post exercise to be held in New Delhi in early 2003.

The sides agreed that peacekeeping and coalition operations are important tools to enhance stability around the world. In this context, they discussed the negative impact of an International Criminal Court (ICC) on such operations. They agreed on the

serious inadequacies of the ICC and underlined the importance of cooperation between the U.S. and India to oppose its applicability to non-parties, as such applicability would be an assertion of jurisdiction beyond the limits of international law.

In addition to the areas of cooperation outlined above, the DPG has set a course for cooperation in additional areas, including consequence management in response to weapons of mass destruction, humanitarian relief, cyberterrorism, and environmental security.

Secretary Narain also called on Secretary of Defense Donald Rumsfeld, Deputy Secretary of State Richard Armitage, Chairman of the Joint Chiefs of Staff Gen. Richard Myers, and Deputy Assistant to the President for National Security Affairs Stephen Hadley. These meetings reflected the emphasis both sides place on the growing bilateral defense relationship.

The two delegations agreed to hold the next meeting of the DPG in New Delhi in early February 2003.

Source: <http://www.usindiafriendship.net/archives/usindiavision/defensecooperation.htm>

ภาคผนวก ง

Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (Summary)

12/18/2006--Public Law.

Title I - United States And India Peaceful Atomic Energy Cooperation

Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006

Section 102

Expresses the sense of Congress that: (1) preventing the proliferation of nuclear weapons, other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives for U.S. foreign policy; (2) sustaining the Nuclear Non-Proliferation Treaty (NPT) and strengthening its implementation, particularly verification and compliance, is the keystone of U.S. nonproliferation policy; and (3) the NPT has been a significant success in preventing the acquisition of nuclear weapons capabilities and maintaining a stable international security situation. Declares the sense of Congress that: (1) strong bilateral relations with India are in the U.S. national interest; (2) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries; (3) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races; and (4) the United States should not seek to facilitate the continuation of nuclear exports to India by any other party if such exports are terminated under U.S. law.

Section 103

States that it is U.S. policy to: (1) oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside of the NPT; (2) encourage States Party to the NPT to interpret the right to develop research, production and use of nuclear energy for peaceful purposes as applying only to the extent consistent with the object and purpose of the NPT to prevent the spread of

nuclear weapons and nuclear weapons capabilities; and (3) seek to prevent the transfer to a country of nuclear equipment, materials, or technology from other participating governments in the multilateral Nuclear Suppliers Group (NSG) or from any other source if nuclear transfers to that country are suspended or terminated. States that it is U.S. Policy to: (1) achieve a moratorium on the production of fissile material for nuclear explosive purposes by India, Pakistan, and the People's Republic of China; (2) achieve the conclusion and implementation of a treaty banning the production of fissile material for nuclear weapons to which both the United States and India become parties; (3) secure India's full participation in the Proliferation Security Initiative and commitment to its Statement of Interdiction Principles; and (4) secure India's ratification of accession to the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997. States that it is U.S. Policy to ensure that: (1) any safeguards agreement or Additional Protocol to which India is a party with the International Atomic Energy Agency (IAEA) can reliably safeguard any export or reexport to India of any nuclear materials and equipment; and (2) the text and implementation of any agreement for cooperation with India meet specified requirements of the Atomic Energy Act of 1954 (AEA). States that it is U.S. Policy to: (1) secure India's participation in U.S. efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including the means to deliver them; (2) seek to halt the increase of nuclear weapon arsenals in South Asia and promote their reduction and eventual elimination; and (13) ensure that spent fuel generated in India's civilian nuclear power reactors is not transferred to the United States except pursuant to certain congressional review procedures. Declares it is U.S. Policy that any nuclear power reactor fuel reserve provided to the government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

Section 104

Authorizes the President, upon making specified determinations, to: (1) exempt a proposed cooperation agreement with India from AEA requirements for maintenance

of IAEA safeguards for nuclear materials in peaceful nuclear activities; (2) waive a certain additional export criterion and procedures; and (3) waive mandatory termination of nuclear exports based upon specified conduct that occurred before July 18, 2005. Includes among the determinations conditioning such waivers that: (1) India is taking necessary steps to secure nuclear and other sensitive materials and technology; and (2) the NSG has decided by consensus to permit supply to India of nuclear items covered by NSG guidelines. Requires the President's report to congressional committees on such determinations to include a summary of: (1) the plan provided by India to the United States and the IAEA to separate civil and military nuclear facilities, materials, and programs, and the declaration identifying India's civil facilities to be placed under IAEA safeguards; and (2) the agreement entered into between India and the IAEA requiring the application of safeguards to India's civil nuclear facilities, together with a description of the progress toward full implementation as well as toward conclusion and implementation of an Additional Protocol between India and the IAEA. Requires the report to describe steps taken by India to: (1) work with the United States for a multilateral treaty banning production of fissile material for nuclear weapons; (2) prevent the spread of nuclear-related technology; (3) secure materials and technology applicable for the development, acquisition, or manufacture of weapons of mass destruction and the means to deliver them through the application of comprehensive export control legislation and regulations, and through harmonization with and adherence to specified international guidelines, compliance with United Nations Security Council Resolution 1540, and participation in the Proliferation Security Initiative; and (4) ensure that U.S. civil nuclear cooperation with India will not in any way assist India's nuclear weapons program. Sets forth restrictions on nuclear transfers. Sets conditions for: (1) termination of nuclear transfers to India; (2) exports, reexports, transfers, and retransfers to India regarding enrichment, reprocessing, and heavy water production; and (3) a nuclear export accountability program. States that the Nuclear Regulatory Commission (NRC) may only issue licenses for the export or reexport to India of any equipment, components, or materials related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water if specified

requirements are met. Permits approval of such exports or reexports only if: (1) the end user is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities, or is a facility participating in, and the export or reexport is associated with, a bilateral or multinational program to develop a proliferation-resistant fuel cycle; (2) measures are in place to ensure that no sensitive nuclear technology will be diverted to persons, facilities, or programs not under IAEA safeguards; and (3) the President determines that the export or reexport will not improve India's military ability to produce nuclear weapons or fissile material. Directs the President to ensure that all appropriate measures are taken to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased, exported, or reexported to India and to ensure U.S. compliance with Article I of the NPT. Includes among such measures: (1) obtaining and implementing assurances and conditions pursuant to the export licensing authorities of the NRC and the Department of Commerce and the authorizing authorities of the Department of Energy (DOE); (2) a reporting and accounting system for technology transfers, including any retransfers in India, authorized by the DOE pursuant to the AEA; and (3) alternate safeguards conforming with IAEA standards and practices in the event the IAEA is unable to implement safeguards required by a U.S.-India agreement. States that such measures shall be implemented to provide reasonable assurances of recipient compliance with the requirements of any U.S.-issued licenses regarding such exports (including those relating to the use, retransfer, safe handling, secure transit, and storage of such exports). Requires the President to submit to Congress: (1) specified information on India's nuclear activities; (2) an annual implementation and compliance report, including an analysis of whether U.S. Civil nuclear cooperation with India assists India's nuclear weapons program; and (3) a detailed description of progress toward India's full participation in the Proliferation Security Initiative and formal commitment to its Statement of Interdiction Principles.

Section 105

States that this Act does not constitute authority for any action in violation of an obligation of the United States under the NPT.

Section 106

States that if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this Act, any waiver made under this Act shall cease to be effective.

Section 107

States that Congress finds that India is not a Missile Technology Control Regime (MTCR) adherent for certain prohibitions and sanction purposes of the Arms Export Control Act. (Subjects India to such prohibitions and sanctions relating to transfer to it, by foreign persons, of missile equipment or technology.)

Section 109

Authorizes the Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, to establish a cooperative nuclear nonproliferation program to pursue jointly with scientists from the United States and India a program to further common nuclear nonproliferation goals. Authorizes appropriations for FY2007-FY2011.

Title II - United States Additional Protocol Implementation**United States Additional Protocol Implementation Act****Section 203**

Defines "Additional Protocol" (when used in the singular form) as the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna on June 12, 1998.

Subtitle A - General Provisions

Section 211

Authorizes the President to carry out this title and the Additional Protocol and directs the President to designate the enforcing executive agency or agencies. States that such authority does not supersede or otherwise modify any existing authority of any federal department or agency already having such authority.

Subtitle B - Complementary Access

Section 221

States that no complementary access to any U.S. location shall take place pursuant to the Additional Protocol without U.S. government authorization. Authorizes such access. Declares that, in the event of complementary access to a privately owned or operated location, no employee of the Environmental Protection Agency (EPA), the Mine Safety and Health Administration, or the Occupational Safety and Health Administration (OSHA) of the Department of Labor may participate in the access.

Section 222

Sets forth complementary access procedures regarding: (1) notice; (2) credentials; (3) scope of access; and (4) environment, health, safety, and security observance.

Section 223

Sets forth provisions for: (1) location owner, operator, or occupant consent; (2) administrative search warrants in the absence of consent; (3) expedited access; and (4) administrative search warrants for complementary access.

Section 224

Makes it unlawful for any person willfully to fail or refuse to permit, or to disrupt or otherwise impede, a complementary access authorized by this subtitle or an entry in connection with such access.

Subtitle C - Confidentiality of Information

Section 231

Exempts from specified disclosure requirements any information acquired by the U.S. Government under this title or under the Additional Protocol.

Subtitle D - Enforcement

Section 241

Makes it unlawful to willfully fail or refuse to: (1) establish or maintain any record required under this title; (2) submit any report, notice, or other information to the U.S. Government in accordance with any regulation prescribed under this title; or (3) permit access to or copying of any record by the U.S. Government in accordance with any regulation prescribed under this title.

Section 242

Establishes civil and criminal penalties for complementary access and recordkeeping violations. Provides for administrative appellate and judicial review.

Section 243

States that U.S. district courts shall have jurisdiction over civil actions brought by the head of an executive agency to: (1) restrain complementary access and recordkeeping violations; or (2) to compel the taking of any action required by this title or the Additional Protocol.

Subtitle E - Environmental Sampling

Section 251

Directs the President to notify the appropriate congressional committees if the IAEA Board of Governors approves wide-area environmental sampling for use as a safeguards verification tool.

Section 252

Prohibits IAEA-proposed wide-area environmental sampling at a specified U.S. Location under the Additional Protocol unless the President reports to the appropriate congressional committees that: (1) such sampling is necessary to increase IAEA's capability to detect undeclared nuclear activities in the territory of a non-nuclear-weapon state party; (2) such sampling will not result in IAEA access to locations, activities, or information of direct national security significance; and (3) the United States has been provided sufficient opportunity for consultation with the IAEA or has requested that the IAEA engage in such access and sampling.

Section 253

Prohibits the United States from permitting any location-specific environmental sampling in the United States unless the President reports to the appropriate congressional committees that such conditions have been met.

Subtitle F - Protection of National Security Information and Activities

Section 261

Provides that no current or former Department of Defense or DOE location, site, or facility of direct national security significance shall be subject to IAEA inspection under the Additional Protocol. Prohibits provision under the Additional Protocol of any information of direct national security significance regarding any such location, site, or facility associated with activities of the Department of Defense or the DOE. Declares that this title shall not be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the Atomic Energy Act of 1954, including in particular specified "Restricted Data." Prohibits construction of this Act to permit the communication or disclosure to the IAEA or IAEA employees of national security and other classified information.

Section 262

Declares that no national of a country whose government supports acts of international terrorism shall be permitted access to the United States to carry out an

inspection activity under the Additional Protocol or a related safeguards agreement. Requires IAEA inspectors to be accompanied at all times by federal personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol. Instructs the President to conduct vulnerability, counterintelligence, and related assessments at least every five years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States subject to IAEA inspection under the Additional Protocol.

Subtitle G - Reports

Section 271

Instructs the President to submit to Congress: (1) a list of the sites, locations, facilities, and activities in the United States (USSLFAs) that the President intends to declare to the IAEA; (2) a list of any USSLFAs the President intends to add to or remove from the declaration; (3) a report certifying that each USSLFA on the list has been examined by each agency with related national security equities; and (4) a report on efforts to promote implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon state parties, U.S. assistance to the IAEA to promote the effective implementation of such additional protocols, and the verification of the compliance of such parties with IAEA obligations.

Section 275

Directs the President to notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

Subtitle H - Authorization of Appropriations

Section 281

Authorizes appropriations.

ประวัติผู้เขียนวิทยานิพนธ์

อภิญญา แซ่เต็ง เกิดวันที่ 18 ธันวาคม พ.ศ. 2525 สำเร็จการศึกษาปริญญาตรี
ศิลปศาสตรบัณฑิต มหาวิทยาลัยธรรมศาสตร์ ในปีการศึกษา 2547 และเข้าศึกษาต่อในหลักสูตร
รัฐศาสตรมหาบัณฑิต ภาควิชาความสัมพันธ์ระหว่างประเทศ จุฬาลงกรณ์มหาวิทยาลัย ในปี
การศึกษา 2550



