

US-Russia 123 Agreement Signed — Now What?

The US-Russia 123 Agreement, signed by officials from the two countries in Moscow last week, faces stiff opposition on Capitol Hill, where concern over Russia's relationship with Iran threatens to sink the deal. The agreement would open the door to technical cooperation between the two countries — specifically the Bush administration's cherished Global Nuclear Energy Partnership (GNEP) - and in theory provide US nuclear suppliers access to the Russian market.

"The United States and Russia were once nuclear rivals. We are today nuclear partners," said US Ambassador William Burns at the May 6 signing ceremony. Sergei Kiriyenko, the head of Russia's giant nuclear agency, Rosatom, said the agreement "opens up a huge range of opportunities to us. Both parties will benefit from it because it opens the gates to legal cooperation." The agreement for cooperation in civilian nuclear energy is based on the amended Section 123 of the 1954 Atomic Energy Act and is a necessary prerequisite to civilian nuclear cooperation between the US and other countries. After presidential signatures in both countries, it requires ratification by lawmakers in Russia and a 90-day review period by the US Congress.

But it may go nowhere. Several letters sent last week from Congress to the White House decried "Russia's support for the Iranian nuclear program" and requested that the White House not submit the agreement for review to avoid a blow to US-Russia relations. There was also opposition to GNEP, which emphasizes reviving reprocessing and advanced reactor research. "We are particularly troubled that your proposed 123 Agreement with Russia encourages greater cooperation on the GNEP program, while [the Department of Energy] has yet to develop a proliferation risk assessment for GNEP," said a letter to the White House from Reps. John Dingell and Bart Stupak, Democrats of Michigan. "Given the consistently deep cuts to the Administration's budget requests for GNEP, is it premature to submit this Agreement with Russia to the Congress when there is little consensus that GNEP will be pursued, in its current form, beyond the end of the Administration?"

Assuming that those pleas are ignored by the White House and that veto-proof majorities in both houses of Congress pass a resolution of disapproval, the agreement will be effectively blocked.

Political Hurdles

Russia's nuclear and military ties to Iran present a major hurdle to congressional approval of the 123 Agreement. At issue is the Iran Counter-Proliferation Act of 2007, which, if passed into law, would prohibit the US from signing a nuclear cooperation agreement with "any country that is assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran," before going on to specify Russia. Similar legislation in the Senate has not yet passed, despite a veto-proof majority of 71 co-sponsors. Should the Senate pass this act, it is difficult to see how the 123 Agreement could be approved. But there currently appears to be a holdup among Democrats, with at least one powerful senator apparently trying to block passage.

The Iranian issue remains highly contentious. "We urge you not to send any 123 Agreement with Russia to the Congress until Russia has ended support for Iran's ballistic missile program, provision of advanced conventional weapons and assistance to Iran's nuclear fuel cycle program, which advances their ability to develop nuclear weapons," wrote Sens. Norm Coleman, Republican of Minnesota, and Evan Bayh, Democrat of Indiana, to the White House, in a letter co-signed by 30 other senators. "Russia must also first demonstrate that it is prepared to cooperate with us to increase meaningful economic pressure on Iran to end its defiance of the UN Security Council's mandatory resolutions to suspend its enrichment of uranium."

Perhaps anticipating the outcry over Iran, former Russian President Vladimir Putin on May 5 agreed to back aggressive UN Security Council sanctions against Iran that had been approved on Mar. 3 (see p6). On May 6, Putin's last day as president, Kiriyenko signed the 123 Agreement. The following day, Dmitry Medvedev was inaugurated as president, with Putin soon after approved as his prime minister. Whether the move to support sanctions indicates a larger shift in Russian policy remains to be seen. It is difficult to imagine a pullback from cooperation on the Iranians' Bushehr reactor and since the content of the 123 Agreement has not been made public, it is not known how, or if, that issue was even addressed, although the Bush administration has lightened up on the topic in recent months.

Impact Unclear

Though a formal declaration of friendly relations between the two powers, it remains unclear what impact the agreement might have on their civilian nuclear sectors. The two have already been intimately linked for the past 15 years, and Russia supplies almost half of current US requirements for nuclear fuel under the HEU agreement. However, the agreement would at least officially open Russia to imports of US nuclear supplies and newer reactor technology. It also offers the prospect of greater bilateral cooperation on pet projects in each country, particularly Russia's international enrichment center at Angarsk and GNEP.

"If I was a betting man, there's going to be far less to this than meets the ear," said Henry Sokolski, executive director of the Nonproliferation Policy Education Center. "There's a lot of noise about how important this is." If, as Sokolski and other critics believe, the push to solidify support for GNEP was the prime mover behind the 123 deal, there may be even less reason for excitement. "GNEP isn't much without an international treaty obligation, and the 123 with Russia isn't very much without GNEP," said Sokolski. "The sad part is there isn't much to GNEP."

Although the White House maintains public support for the agreement — "We look forward to sending this latest agreement to Congress for their consideration," said a press release — the odds are stacked against it. With an increasingly lame-duck president and effective opposition to the agreement from two of his potential successors, John McCain and Barack Obama, both co-sponsors of the Iran Counter-Proliferation Act, the bilateral pact appears to have little chance of implementation. The larger picture of US-Russian nuclear cooperation is now likely to become clear only after January 2009. ☹