

The Indo-US nuclear deal

An impact analysis

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During President's George Bush's visit to India in February 2006, the two countries finally inked the much-debated civilian nuclear energy cooperation pact [1]. The deal is the first of its kind, and given India's defiance to become a member of the NPT, has caused a stir among the non-proliferation lobby. Notwithstanding, both the US and Indian leaderships have remained steadfast and continue to maintain that the deal is not only beneficial for their relationship, but is also a positive development for the broader non-proliferation agenda.

Since the deal, a number of aspects of the development have been analysed by various quarters both within and outside South Asia. However, much of the debate seems to have ignored the sheer breadth of the implications of this deal. Analyses thus far have tended to focus predominantly on most immediate concerns. In order to force the realisation of the broad ranging impact of this development, there is a need to undertake a holistic analysis. There are three points that remain key: First, how will this deal impact the major stakeholders and issues of international concern (non-proliferation, etc)? Second, how is Pakistan likely to respond to the development? Third, what does the Indo-US deal signify in its terms of the make-up of the geo-strategic alliances in the South Asian region over the medium term? All these questions are tackled briefly below. However, they are prefaced with a succinct overview of the deal itself.

Elements of the Indo-US nuclear deal

The Indo-US nuclear deal is a landmark achievement for both countries as the two leaderships have managed to defy heavy odds to push it through. The deal is far reaching in that it required changes in a number of US and international laws (these issues are discussed later).

In essence, the deal allows the US to provide civilian nuclear technology to India, while India agrees to a number of stipulations designed to ensure that the technology or nuclear material is not siphoned off to its weapons program. On India's part, the major obligations include separating its civilian and military nuclear programs and opening the civilian programs to the international monitoring agencies. The military program as well as stockpiles of nuclear fuels that India possessed at the time of the deal are exempt from any of these stipulations.

This is followed up by the requirement to sign an additional protocol to allow IAEA intrusive inspections of its civilian program. In principal, India has also agreed to negotiate possibilities for a Fissile Material Cut-Off Treaty with the US. Moreover, India is to continue its nuclear testing moratorium, tighten its nuclear arsenal's security and continue its 'exceptional' track record in non-proliferation. What India gets in return is dual-use technology, both know-how and equipment, which potentially could provide India with enriched uranium to be used in the nuclear weapons program [2]. However, as mentioned, under the spirit of the deal, the technology ought be used only to complement the civilian program.

The key question that held the deal back at one time with rumours that the entire development may unfold is the extent to which the US was willing to give in on its original stance with regard to the actual terms of the deal. The central issue was the separation of the Indian civilian and military nuclear programs. The Indians were bent upon having the choice to determine which part of the program would be declared as 'military' and thus kept outside the purview of the deal. Of course, if the list was large enough, virtually the entire program could have remained secretive. Apart from the natural desire to maintain secrecy over a large chunk of the program, India was concerned that opening up dual-use apparatus to intrusions could expose its weapons program as well. This was a well-founded concern since India has never had any real separation between its civilian and nuclear programs. In the final outcome, however, India managed a minor coup by having its fast breeder reactors designated as military. This was the deal clincher for many Indian strategists who argued that had the fast breeder program been brought under the deal's transparency element, India would have lost an important source of plutonium for its military program [3]. As it stands, the terms of the deal are highly favourable to India.

A cost-benefit analysis of the deal in terms of key actors and issues

There is little doubt that the deal could potentially have far reaching consequences on a number of actors in the international arena. While some 'winners' can be identified, there are a number of actors and existing regimes that fall on the 'losers' side of the equation as well. Let us begin by underscoring the 'winners'. The discussion is only limited to the most important beneficiaries.

The winners

India

India is the principal beneficiary of this deal. While there are a number of factors that make this a significant achievement for the Indian government, perhaps the greatest short-term benefit is the legitimacy that India would acquire for its nuclear program. By concluding this deal, the US has moved away from self-imposed restraints on transferring nuclear technology, treating India as an exception and thus acknowledging the country as a de-facto nuclear power. The deal makes India the only country in the world that has a recognised (de facto) nuclear status without having entered the global non-proliferation regime. The agreement is both a sign of the acknowledgement of India's responsible nature as a state and recognition of its stature to enter the nuclear club.

While some Indian analysts were wary of the deal on the grounds that it adds little to India's already declared nuclear status, the fact is that nuclear 'gate crashers' like India and Pakistan acquire tremendous diplomatic leverage by gaining legitimacy of their nuclear status. Consider that both Pakistan and India have been longing to enter the nuclear club through a 5+2 formula in the NPT. Moreover, in India's case, another compelling reason to legitimise its nuclear status was its aspirations of becoming a global power. The current administration in New Delhi seems to have realised that toying with the grey areas of established international norms for too long is likely to be a hindrance in the country's quest to enter the prestigious club. That the legitimacy came without having to come under formal legal obligations to adhere by all non-proliferation norms is an added bonus.

As the deal has turned out, there is substantial room for India to manipulate the benefits from the US cooperation to gain in the military sphere. After all, the US would be providing technology, hardware and raw materials with direct applicability to the weapons program. In an extreme scenario, over the long run, the deal gives India the opportunity to significantly strengthen its nuclear weapons program by building higher capacity reactors and enhancing the targeting efficiency of its nuclear arsenal. Furthermore, the de facto legitimacy would also allow India to proceed with its controversial nuclear programs under the cover of legitimacy with relative ease.

United States

One question that seems to have puzzled many is the US interest in pushing this deal through. Indeed, there seem to be little short-term gains for Washington. Moreover, there are hardly any tangible deal-specific gains one can identify even in the medium to long term. Through this deal, the US is solely looking to cement India into its alliance club to satisfy its strategic interests in the region. Predominantly, the Indo-US strategic partnership satisfies three US objectives: it allows the US to have a reliable ally in South Asia, a long standing interest it has failed to achieve with Pakistan; it props up India economically as well as militarily as a counterweight to China over the long run; and it satisfies the massive economic interests the US sees for itself in India. In essence, the current deal can be seen as an initial signal of Washington's sincerity towards making the Indo-US relationship a lasting one.

States with nuclear technology know-how

A key aspect of the debate on the nuclear deal is its impact on the global non-proliferation regime. While the non-proliferation regime is a clear loser (we will discuss the adverse implications separately), it opens up tremendous avenues for other aspirants looking to share nuclear technology know-how for economic gains. Notwithstanding the Bush administration's claims that this deal would prevent further spread of nuclear weapons, the development would end up opening avenues for other states to find their own markets.

On the supply side, the immense economic interest for countries with nuclear technological know-how to share dual use technologies is sure to play a role in future decision making. On the demand side, the Bush administration's policy of targeted intervention against perceived adversaries and its handling of nuclear versus non-nuclear states (North Korea versus Iran for example) has only incentivised the need for developing countries to get their hands on dual use technology [4]. The interplay is sure to allow future deals to go through,

whether through official exchanges in line with global norms (as the potential Russia-Iran deal is shaping up) or through developments, which take advantage of the loopholes in existing global regimes.

One only needs to look back at the history of proliferation in South Asia to predict the impact of this deal on future nuclear technology exchange. Despite stringent checks and disapproval by the entire international community, both Pakistan and India managed to acquire nuclear technological know-how, the required inputs, and eventually a nuclear weapons capability. We have already seen nuclear capable countries other than the US (France, Russia) showing interest in sharing nuclear technology know-how with India. In the wake of the deal, New Delhi made an official request to Australia to relax rules for uranium exports. The incidence of such interactions is sure to increase in the future.

The losers

Non-proliferation

By far the greatest implications from this deal are bound to be for the global non-proliferation regime. Since 9/11, courtesy of the Bush administration's policy of pre-emption and varying attitudes towards nuclear versus non-nuclear states, controls over the 'demand' side of nuclear non-proliferation had already been compromised. The real hope for global non-proliferation to remain effective was resting on the 'supply' side constraints to acquiring nuclear technology. The Indo-US nuclear deal has ensured an unravelling of these constraints and consequently pushed the global non-proliferation regime even closer to its ultimate demise.

Consider that the 'supply' side of proliferation was functioning at the behest of various legally binding protocols. The current nuclear deal necessitates exceptions in all relevant international protocols. The US Atomic Energy Act that regulates trade of nuclear material does not allow technology transfer to any country not accepting full safeguards. The Congress thus had to make an exception for India for the deal to go through. The Nuclear Suppliers Group's multilateral export controls also do not permit such technology transfer. However, the NSG, in many ways the key institution responsible for supply controls has now fallen victim to the power play within the set-up. The stringency on export controls from the NSG is sure to give way in the future. Finally, the deal defies the NPT, the single most important non-proliferation protocol. The very rationale of the NPT, which allowed peaceful nuclear technology in exchange for foregoing nuclear weapons, has been undermined.

Given the above, it is no surprise that the principal opposition to the deal came from non-proliferationists around the world (including US and Indian non-proliferation lobbies). The opposition camp is correct: once such regimes start to be moulded to benefit a few, others are sure to take advantage of the situation. US' own non-proliferation interests in Iran and North Korea are likely to be undermined as they clash with other nuclear suppliers who now sense a window of opportunity.

The key question then becomes if the terms of the deal could have been altered to reverse the impact on non-proliferation. Indeed, an analysis of the technical aspects of the deal suggests that the non-proliferation concern was deliberately compromised in a quest to cement the alliance through this flagship deal. Key non-proliferation attributes could have been included in a more transparent deal. First, rather than leaving the need to negotiate on the

FMCT open-ended, India should have been asked to cap its fissile material, even if it were through a bilateral arrangement. With the current arrangement, India's indigenous uranium stocks will now be freed up for the weapons program. Moreover, the deal could easily have separated technologies and hardware that was permissible for sharing and that which could not be transferred. Specifically, India could have been given nuclear reactors, uranium and enriched fuel but not materials and technology that are more relevant to enrichment, reprocessing, and other sensitive fuel-cycles. The current arrangement is one of 'full cooperation'. Finally, rather than creating frameworks which are exceptions to the norm, the non-proliferation community should think of altering legal protocols like the NSG and US regulations to allow non-sensitive technologies to be transferred to countries genuinely in need of civilian nuclear technology, whether members of the NPT or not [5]. Notwithstanding the fact that the entire deal might have collapsed if such stipulations were included, the overall impact of the deal might have been viewed favourably by non-proliferationists.

Pakistan

Pakistan is another major loser from the deal. The legitimacy provided by this deal to India's nuclear program and the resultant diplomatic leverage it has acquired has made Pakistan's long-standing quest to avoid becoming a satellite state much harder. Clearly, the deal is a tremendous boost for India's ambitions of becoming a global power. While to date, its conflict with Pakistan and its poor track record in Kashmir had evaded the recognition of its status, the deal has overhauled the entire scenario in India's favour. Pakistan, already increasingly seen as a troublemaker in the region since Kargil, will find it even harder to sell its view vis-à-vis India. The relationship certainly provides added leverage to India on issues such as terrorism and extremism where the US, and by extension all Western powers are sure to side with New Delhi even more candidly in the future.

Moreover, stances on certain issues where Pakistan and India previously held converging interests will now be altered. NPT is a case in point. While India's need for a 5+2 formula still remains alive, it would now have subsided considerably, at least for the time being. This leaves Pakistan alone in the hunt to find a legitimate way into the nuclear club. New Delhi now has little incentive to stand on the same platform as Pakistan on the issue.

Military disparity and nuclear stabilisation

Strictly within the military context, there is little cause for concern for Islamabad in the short run. Over the long run however, the probable scenario will benefit India. The military spin off from the nuclear deal (presuming it takes place) will allow India to develop new categories of sophisticated weapon systems. The key concern for Pakistan will be the potential acquisition of a counter-force capability by India, which would put the former's military assets at stake in case of a conflict. Pakistan, as the weaker adversary, will look to revise its force disparity and recalculate its force structure to counter this development. Judging by Pakistan's traditional reaction to such Indian moves, it may attempt to maintain a robust second strike capability, be it through quantitative increase in delivery systems and warheads, or through a sea-based capability (the latter is by far the preferred though costlier option). In addition, the desire to maintain acceptable ratios of conventional force strength will remain.

While Pakistan would ideally like to match India, whether it would be able to do so is debatable. The more probable outcome is that Pakistan might, despite its utmost efforts, fail to maintain the current ratios of asymmetry in its capabilities vis-à-vis India (we will revisit this scenario in the next section). Under this scenario, the relationship could become highly unstable with India asserting its influence upon a resentful Pakistan [6]. The other possible outcome is that both sides continue to upgrade their conventional and nuclear military capabilities at an accelerated pace. Under this scenario, the implications would become broader than the Indo-Pakistan context. The Indian upgrade will force China to revisit its upgrade plans (although China is moving in an aggressive manner on this front regardless), which then brings Taiwan and the Asia-Pacific into the picture. Afghanistan and Iran are new entrants into the South Asian strategic equation and will also react to these developments.

The Indo-Pakistan equation

Having discussed the implications for various actors/issues as a result of the Indo-US nuclear deal, we now look at the specific impact the deal is likely to have on Indo-Pak relations. We build on the discussion on Pakistan and the military balance above. First, one needs to realise that the Indo-US deal is not a stand-alone initiative; it reflects a permanent change in Washington's outlook towards India. The US relationship with India and Pakistan has seesawed over the years as Washington has sought to protect and advance its interests in the region. Throughout the Cold War, and especially in the 1980s, Pakistan was a frontline US ally. The 1990s saw a gradual tilt towards India, which climaxed with the Vajpayee-Clinton Joint Vision Statement, and Clinton's subsequent visit to India in 2000. September 11 brought another U-turn as Washington again co-opted Pakistan as a frontline ally in its War on Terror, much to India's dismay. Now, while the US foreign policy has sought to get rid of the zero-sum relationship with India and Pakistan, it has cemented what is potentially a permanent tilt in its policy.

The new Indo-US alliance holds more significance than any previous US policy overture in South Asia. The very scope of the Indo-US alliance suggests that cooperation is likely to extend in all spheres over the long-term. Acting as a counterweight to China implies that the US is willing to augment India's military as well as economic capabilities. The US has already offered a comprehensive defence assistance pact to India. The nuclear technology transfer deal (apart from the option of dual use) would provide India respite from its projected energy shortage. The Indo-US trade relations are already strong and growing tremendously.

Contrary to the make up of Indo-US relations, the permanence of the US relationship with Pakistan is questionable. In fact, the majority view suggests that while a repeat of the post-Afghan scenario, where the US completely exited the scene, is unlikely for several reasons, there certainly are no structural integration patterns that would force the US to engage Pakistan at the same level as India. Skeptics suggest that the real meat in the Pak-US relationship will disappear once Pakistan's importance in the war on terror decreases in the medium term. Others point to a fundamental weakness in the relationship, the so-called one-man (Musharraf) policy as evidence of the short-lived utility of the alliance [7].

While much in this analysis is debatable, one fact is hard to challenge: with India, there are long-term strategic reasons that compel the US to move closer to New Delhi. The US has clearly taken India on a new platform in its relations. As already discussed, in due course this is

likely to allow India to create an overwhelming disparity with Pakistan, be it military or economic. The resulting equation would be an unstable one.

Some analysts challenge the above premise by arguing that US determination to transform India into a global power will leave Pakistan with little choice but to continue on the path of reconciliation with India. This is so because they see Pakistan's capability to stand up to a US-backed India as virtually nil. The outcome would be a Pakistan willing to live in peace with its neighbor. This argument is flawed. First it ignores the fact that outstanding issues in larger conflicts are a result of structural anomalies in the Pakistan-India relationship and certain domestic policy formulations. They are not solvable at will. Second, one needs to consider that while in a bilateral hostility a state's policies are affected by disparity in strength, it principally remains a function of the level of disparity. A weaker party, which faces overwhelming disparity in its relations with a hostile neighbor, will only succumb if it has no other recourse. But if it has the space to bolster their strength, it will tend to explore those rather than accept hegemony.

Granted, Pakistan will seek to compromise under the new scenario. However, it will still not be able to give in on its principal positions on thorny issues. That requires altering various fundamental underpinnings of Indo-Pak relations, be they political, strategic, or cultural. Consider that for the past two years the two sides have been sincerely working towards rapprochement. Yet there has been virtually no progress on the contentious issues: Kashmir, Sir Creek, Siachen, Wullar barrage, and even concerns such as trade. These will still need to be addressed to satisfy both sides under the "overwhelming-disparity scenario" brought about by the Indo-US alliance, in the same way as they need to be addressed today. Increased disparity vis-à-vis India will not automatically force Pakistan to concede on these issues.

The situation is compounded if one predicts India's reaction to the increased disparity. India is likely to see the US backing as an assurance of a long-term quantitative shift in Indo-Pak relations. As mentioned, to date, India is believed to have been held back from realising its true potential due to its conflict with Pakistan. The recent Indo-US alliance removes the compulsion for India to normalise with Pakistan. This is not to say peace with Pakistan will not remain in India's interest. However, since India has now been accepted as a US ally without having to settle the Indo-Pak equation, the conflict with Pakistan at best becomes a minor irritant, which still needs to be tackled, but will not affect India diplomatically as it did earlier. Under such a situation, India would be more likely to adopt a tougher stance on key outstanding issues.

The biggest shortcoming of the US move towards New Delhi is that it seems to have been conceived in a vacuum. Washington has ignored all collateral benefits that were possible from such a US offer. For instance, with an offer of this magnitude, the US could easily have pushed India harder to hasten the Indo-Pak peace process. Ignoring all conditionalities that were earlier imposed on India means that the potential benefit of ensuring South Asian stability as a by-product has now disappeared altogether. The US-Indo alliance and the US role in Pak-Indo rapprochement have unfortunately been divorced from each other. What was needed was for the US to find a middle ground between a zero-sum relationship with Pakistan and India, and a complete divorce between Indo-US and Pak-US relations. The pattern followed by the new Indo-US alliance suggests that Washington has moved from one extreme to the other. For the long-term, this spells trouble for the region as a whole.

The South Asian alliance structure: examining the future

An analysis of the Indo-US deal's impact would remain limited if the wider South Asian region is not studied. In this section, we consider other South Asian countries, primarily China in the equation. In a broader regional context, South Asia is likely to fall prey to global power politics. The changing structure of alliances in the region will peg regional countries against one another in support of their allies. The Sino-Indian-Pakistan triad holds the key in this regard.

The nuclear deal and other military assistance programs from Washington are set to buffer China in the years to come. At the same time, the year 2006 has been declared the year of Sino-Indian friendship. China and India have managed to move away from their territorial differences and are focusing on economic cooperation to advance their ties. The Sino-India model of cooperation is now perceived to have developed enough economic stake for the two sides to endure a long-term alliance.

The current trend in Sino-Indian relations has tended to obscure one important factor. While the two sides have tremendous economic stakes, their geo-strategic interests and global alliances are bound to clash over the long run [8]. The economic stakes may well keep them away from outright confrontation, but a clash of strategic interests is sure to force them to continue employing various coercive diplomatic tactics against one another. The bottom line is that India and China are both looking to create hegemony over overlapping (if not the same) regions. While China's stature has already started to peg the world's super power against it, India has chosen to play on this rivalry to develop its own stake in a relationship with the US.

The Indo-US deal clearly spells trouble for China. While the official Chinese reaction to the deal was mellow, it is certainly in Beijing's interest to undermine the development. China is as worried as anyone on the possibility of the nuclear deal benefiting India in its military program and would look to avoid any such possibility, even if it is not an immediate threat. China's interest in this case complements Pakistan's. The latter is as adamant as China to dampen the deal for reasons explained in the previous section. Pakistan has done well since 9/11 to ferment ties with the US without allowing its relationship with Beijing to be compromised substantially. It therefore presents itself as an open option for Beijing to collaborate on the attempt.

That Pakistan and China attempted to stall the deal before it was approved should thus come as no surprise. Prior to the finalisation of the Indo-US deal, Pakistan and China leaked reports of a deal that allowed Pakistan to purchase six to eight nuclear reactors from China. The real value of the news of Sino-Pakistani collaboration in this sphere was its timing. Clearly, this was not a coincidence. The two sides were looking to see if such a stance could compel the Bush administration to rethink the deal.

Equally logical is the fact that the two sides are currently strategising on how to minimise the impact of the Indo-US relationship. In this regard, the Gwadar port represents the new 'Great Game' in the region [9]. Pakistan has accorded China sovereign rights at the Gwadar port, which implies Chinese naval presence will be used to undermine the Indo-US goal of complete supremacy of the Arabian Sea and Persian Gulf regions. Beijing and Islamabad are also extending the Karakoram Highway to connect both countries directly with Central Asia. In short, while the deal cannot be undercut any longer, Beijing and Islamabad seem to have decided that a strategic alliance to check the Indo-US predominance in the region is the best recourse if the two are to be denied added influence in the region [10].

Currently, China is not willing to pull back on its upturn in relations with India. But if India gets to the point where it can threaten China, militarily as well as economically, China's interest surely will prompt it to continue propping up Pakistan, at least militarily. This might lead to a situation under which the renewed arms build up cum chain reaction scenario discussed above would become a reality. The resulting strategic balance would be unstable.

As for the rest of South Asia, the additional leverage provided to India by this new relationship will likely harden its stance further against smaller South Asian countries in contentious security and economic issues. Given that mutual suspicion of SAARC members towards India is a key factor in South Asia's dismal integration record, the goal of regional integration is likely to remain elusive for the foreseeable future.

So what does the 'alliance maze' mean for the future? The most likely scenario is as follows. On a bilateral level, the Sino-Indian relationship will remain cordial in the short to medium term. However, China will continue to build stronger ties with Pakistan and signal to New Delhi as well as Washington of Islamabad's supreme importance from time to time [11]. The future of the Pakistan-US relationship is a big question mark but in all likelihood the two will continue to collaborate, albeit in an increasingly disparate framework. However, Islamabad would draw its lines clearly, ensuring that US pressure does not lead to the undermining of the Sino-Pak relationship. The overarching alliance structure will not conform to the bilateral arrangements. Within the next decade, the strategic balance of power in South Asia is likely to be defined by an Indo-US versus Sino-Pak alliance.

Conclusions

This paper does little more than simply putting the Indo-US nuclear deal in a broader perspective. The deal in itself is unique and is a testimony to the potential for a lasting Indo-US relationship. Given its wide-ranging implications, it is likely to affect various actors/issues differently. While a number of individual states are sure to gain from the development, the sheer weight of the harm caused to the global non-proliferation regime due to the deal tilts the balance of the cost-benefit equation in favor of the 'cost' side. In essence, the non-proliferation goal has been compromised to benefit the national interests of two powerful states, one being the leader of a unipolar world.

Interesting dynamics are likely to emerge out of this deal in terms of regional relations. The Indo-Pak relationship might undergo a significant reassessment over the long run, especially in Islamabad, which is a clear loser from this deal. The most obvious recourse for Pakistan would be to further strengthen the Sino-Pakistan relationship, which is likely to be welcome by Beijing given its uneasiness with the Indo-US deal. Overall, the regional scenario will see states involved in counter-alliances, virtually quashing the South Asian dream of regional integration. The next decade is likely to be marked by considerable strengthening of the Indian military and economic might, partly driven at the behest of US assistance, and a growing Sino-Pakistan relationship to act as a counter balance. At the same time, the US-Pakistan and Sino-Indian relations are unlikely to come to a head.

Notes

1. This paper builds upon a string of articles written by the author in *The Friday Times, Pakistan* during 2005-2006.
 2. See Esther Pan, 'The US-India Nuclear Deal', *Council on Foreign Relations*, February 2006.
 3. Praful Bidwai, 'Snags Surface in India-US Nuclear Deal', *Antinwar Online*, February 2006.
 4. See Moeed Yusuf, 'Washington's Non-Proliferation Focus is Misplaced', *The Friday Times*, October 2004.
 5. See Robert Einhorn, 'Should the US Sell Nuclear Technology to India? – Part I', *Yale Global Online*, November 2005.
 6. The Pakistan-India relationship is discussed in detail in the next section.
 7. A number of prominent analysts in Pakistan have started taking this line. The author agrees with the point of view and has argued along these lines since 2003.
 8. For an apt argument in support of this thesis, see Ejaz Hadier, 'Enter the Dragon', *The Friday Times*, December 1, 2006.
 9. 'Gwadar' is a port city on Pakistan's south-west coast. Modern port facilities, which also carries immense strategic importance given its geographical proximity to the Persian Gulf and Strait of Hormuz, is currently under construction in Gwadar.
 10. For an extensive discussion of Pak-China relations, see Urvashi Aneja, 'Pakistan-China Relations: Recent Developments (Jan-May 2006)', *Institute of Peace and Conflict Studies*, Special Report No. 26, June 2006.
 11. The Chinese president took this diplomatic stance during his State visits to India and Pakistan in late-November 2006.
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