CHAPTER VII

INDIA'S RESPONSE TO NUCLEAR REGIMES:
A DILEMMA BETWEEN NATIONAL SECURITY
AND WORLD ORDER
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The issue of nuclear weapons for Third World States, as for any other states is highly emotional. It is a cause of discussion not only between the Third World states and developed states but also amongst Third world states, and indeed within them. While a majority of the Third World states have accepted the regime developed by the great powers of both East and West, their reasons for this does not always stem from their belief in its inherent worth. They may be the product of a realistic assessment of the price to be paid for the defiance of the wishes of the super power or conversely, the spin off benefits to be gained from compliance.

This chapter looks into at the international regimes, which governs the acquisition of nuclear weapons, and at the attitude of India towards it.

Although the end of the cold war and the disintegration of a super power transformed radically the global security environment, the nature of the international relation in South Asia remains much the same. The region continues to suffer from ethnic, territorial, and ideological tensions indigenous to the area. The politics of the region is dominated by the adversarial relationship between India and Pakistan. Their ideological and political sources of conflict are reflected in contending claims over Kashmir and the Siachen glacier. Pakistan's support to militant activities in Punjab and Kashmir is also perceived as a low intensity proxy war against India. In addition the presence of a potentially hostile neighbor to the north and east, armed with nuclear weapons is a matter of
concern to India. Although relations with China have improved considerably since 1962, it continues to be perceived as a major threat to Indian security.

It is unlikely that the proliferation of weapons in this region will cease without a satisfactory resolution of the sources of conflict. To the west this traditionally has meant limitation on the horizontal proliferation of weapons mass destruction. Measures such as Nuclear Non-Proliferation Treaty (NPT) 1969, Missile Technology Control Regime (MTCR) 1987, Comprehensive Test Ban Treaty (CTBT), Nuclear Weapons Free Zone (NWFZ), and (FMCT) Fissile Materials Cut off Treaty have been encouraged.

India and the NPT:

The treaty on the Non proliferation of Nuclear Weapons (NPT) was adopted by the General Assembly of the United Nations on 12th June, 1968, ten years after its initial proposal. India objected to the NPT on the grounds that it did not stop vertical proliferation, it was discriminatory in character and did not create mutually balanced obligation for the nuclear and non nuclear weapon countries.

The Indian objections to the Non-proliferation Treaty were listed in a statement made by Ambassador Mohammad Azim Hussain of India at the 57th meeting of the first committee of the United Nations on 14th May, 1968. (Some important Articles of the NPT have been discussed in the Appendix) These objections were: 1

1. The treaty did not ensure the non proliferation of nuclear weapons but only stopped the dissemination of weapons to non nuclear weapons states without

imposing any curbs on the continued manufacture, stock piling and sophistication of nuclear weapons by the existing nuclear weapons states.

2. The treaty did not do away with the special status of superiority associated with power and prestige conferred on those powers which possessed nuclear weapons.

3. The treaty did not provide for a balance of obligations and responsibilities between the nuclear weapon states and non nuclear weapon states, while all obligations were imposed on non nuclear weapons states, the nuclear weapon states had not accepted any

4. The treaty did not constitute a step by step approach towards nuclear disarmament.

5. The treaty did not prohibit one nuclear weapon state from assisting another nuclear weapon state by providing technical aid.

6. The long period of quarter of century provided in article X of the treaty would appear to endorse and legitimize the present state of affairs and legalize, if not encourage, an unrestricted vertical proliferation by the present nuclear weapon powers.

7. Article VI did not create a juridical obligation in regard to cessation of nuclear arms race at an early date.

8. The treaty imparted a false sense of security to the world.

9. The treaty was discriminatory in regard to the peaceful use of nuclear explosions.

10. The treaty was discriminatory in regard to the safeguards and controls, which were all, imposed on the non nuclear weapon states while none what so ever were imposed on the nuclear weapon states.
11. The security assurances to the non nuclear weapon states could not be a quid pro quo for the acceptance of the treaty. This must be obligatory for the nuclear weapon states.

These objections to the NPT and the government’s decision not to accede to the treaty received the near unanimous support of the people and parliament of India. The position was summed up by the Indian Defence Minister in a parliamentary answer in 1970:

“I continue to hold the view that we can never agree to sign a non proliferation treaty which is essentially discriminatory in nature, which does not take note of vertical proliferation and which does not take us a step further towards stopping the madness of nuclear arsenal of super powers and of those who belong to the nuclear club. In the development of nuclear energy for peaceful purposes, it puts constraints and restraints, which are totally unacceptable to us. For all these reasons we have taken the attitude that we will not sign it. The minimum number of ratifying has been reached, it will become operative (but) this has not altered either the nature of threat to us or the over all problem that we face in the matter of defence”.

While much happened in the nuclear arena in the world in general and in the non proliferation regime in particular, the treaty continued to be adhered to by more and more countries. The Indian stance towards the NPT, however remain unchanged.

2. Statement by Indian Defence Minister in Parliament op. cit. in SIPRI Year Book, 1971, p-304
Interestingly despite changes in government of diverse ideologies, the policy towards the NPT has remained consistent.

Speaking at the special session of the general assembly (SSOD-I) in June, 1978, Morarji Desai, then Prime Minister of India said, "Our objection to the treaty is because it is so patently discriminatory. It makes an invidious distinction between countries having nuclear weaponry and those devoted to the pursuit of nuclear research and technology for peaceful purposes." 

Narasimha Rao as the External Affairs Minister in Mrs. Indira Gandhi's Cabinet stated in the SSOD repeated the call for nuclear disarmament and proposed a five point programme outlined by the PM. It sought the negotiation of a binding convention on the non use of nuclear weapons, an immediate suspension of all nuclear tests, a freeze on nuclear weapons, attainment of general and complete disarmament within an agreed time frame and the UN taking lead in educating the public on the dangers of nuclear war, on the harmful effects of arms race and the positive aspects of disarmament and its links with development.

Again, India put forward a comprehensive plan for a nuclear-free world within a specific time frame at the third United Nations Special Session on Disarmament (SSOD-III) in 1988. In a speech before the United Nations Rajiv Gandhi, then India's Prime Minister argued,

“We cannot accept the logic that a few nations have the right to pursue their security by threatening the survival of mankind nor is it acceptable that those who possess nuclear weapons are freed from all controls while those without nuclear weapons are policed against their production. History is full of such prejudices that those who possess nuclear weapons are responsible powers and those who do not are not.”

In March 1992, Prime Minister Narsimha Rao again said “Our position on the NPT is well known: We have not signed it and we do not propose to sign it.” In November 1993, the Indian delegate to the UN General Assembly repeated that India would not subscribe to a “treaty or attitude that divides the world into nuclear - haves and have nots.” There was no change in Indian response to the NPT till May 1995 when 175 out of 178 nations who were parties to the NPT extended the Treaty indefinitely and unconditionally. The NPT is the only treaty that defined a Nuclear Weapon State (NWS) and legitimized nuclear weapons for all times to come in the hands of a few states. The process of extension itself was revealing because the weapon states went out of their way to avoid any kind of commitment to nuclear disarmament. This left India with no option but to go in for covert nuclear weaponisation. The Sino-Pakistan nuclear collaboration continued in violation of the NPT and it was obvious that the NPT regime in India’s neighbourhood had collapsed.

But this time the nuclear weapon powers had consolidated the international nuclear

5. Published by Embassy of India, Washington DC
6. The Times of India, March 13, 1992
7. The Economic Times, November 3, 1993
hegemonic order to cover most of the globe. The entire industrial world came under the Organization of Security and Cooperation in Europe (OSCE) protected by the nuclear deterrence of US, UK, Russia and France. The US nuclear security cover protected the OAS (Organization of American States in the West), South Korea, Japan, Australia and New Zealand. China had its own nuclear security. Africa, South Pacific Nations and the ASEAN choose to remain under the nuclear overlordship and protectorate status of nuclear hegemonic powers ................thereby the entire globe, except for the Indian subcontinent was covered by international nuclear hegemonic order. There was a grave deterioration in the security environment of India in the three years preceding India's decision to go nuclear a second time in May 1998.

India’s Stand on CTBT:

While it is true that India was one of the first initiators of the test ban move – in 1954, after a US nuclear explosion on Bikini Atoll when, Jawaharlal Nehru proposed the "standstill agreement" on testing – it is also true that much has happened since the proposal was made. 8

In 1955 the Soviet Union proposed a disarmament plan, the first stage of which included the cessation of tests. In the next year, Soviet Prime Minister Bulganin formally proposed the cessation of nuclear testing but dismissed any need for verification. 9 The Americans rejected the proposal and in January 1957 in turn proposed a 5 point plan

which focused on the cessation of nuclear testing as well. The proposal was later modified to prior advance notice of test.10

The subsequent major development was the conclusion of the Partial Test Ban Treaty (PTBT-1963) which banned nuclear tests in the atmosphere, outer space and underwater.11 In 1970 the Treaty on Non Proliferation of Nuclear Weapons (NPT) came into force. The CTBT could find a place only in the preamble where they agreed to continue negotiations on it. In 1974, President Nixon and General Secretary Brezhnev signed a Threshold Test Ban Treaty (TTBT) which limited the yield of an underground test to 150 kilotons. The issue of peaceful nuclear explosions PNE was dealt with in a separate treaty called the Peaceful Nuclear Explosions Treaty (PNET), which limited individual PNE to 150 kilotons and group PNE to 1.5 megatons. Finally in 1977, the USSR, the UK and the US resumed direct discussion on CTBT, which continued till 1980. Issues that remained unresolved included the process and modalities of inspection, duration, laboratory testing etc. The Reagan Administration ended its policy to seek a CTBT in 1982 thus formally ending the tripartite talks.12

In 1987 the USA and the USSR agreed to revise the TTB and PNE Treaties protocols. Following the conclusion of the TTB and PNE protocols and their subsequent ratification, the Bush Administration refused to begin test reduction talks.

But following the USSR’s moratorium in 1991 the US congress enacted a testing

moratorium and asked the administration to begin talks. 13

In October 1992, the then US President George Bush signed a Congressional legislation referred to as the Hatfield Amendment, into law. This law required an immediate moratorium on all US testing until at least July 1993, and called on the US to negotiate a CTBT by 1996. In July 1993 President Clinton again extended the moratorium till September 1994 and called upon other states to do the same. 14

It was in the background of all these developments that the crafting of the present CTBT took place. Negotiations began in full swing on August 10, 1993, when the Conference on Disarmament (CD) gave its Ad Hoc Committee the “mandate to negotiate a comprehensive Test Ban.” The negotiations began in January 1994. Simultaneously, in the General Assembly a draft resolution on a Comprehensive Test Ban Treaty (CTBT) was submitted by 104 countries and was sponsored by 53 additional countries. The draft resolution was adopted as Resolution 48/70 on December 16, 1993. 15

The CTBT negotiations began in January 1994 stimulated by the end of Cold War and more than that by the then forthcoming NPT Review and Extension Conference. The 1994 Nuclear Test Ban (NTB) Committee Report published in the form an 18 page summary of proceedings was followed by a 95-page appendix of text with alternative proposals and techniques in square brackets. 16

Work proceeded relatively more swiftly in 1996. On January 23, 1996, the first plenary session of the Conference on Disarmament (CD) agreed to the establishment

13. Ibid, p-233
16. CD 1273/Rev.1
of a nuclear test ban treaty. On March 28, "the" outline of the draft Comprehensive Test Ban Treaty was presented for the delegates to negotiate the outstanding issues. On May 28, 1996 exactly a month before the end of the second part of the CD's 1996 session, Ambassador Jaap Ramaker, presented his first draft text for a Comprehensive Test Ban Treaty. A slightly modified draft was present on June 28, 1998.

India's stand on CTBT:

As the first nation in the world to call for a Comprehensive Test Ban Treaty India supported the idea behind the CTBT, but in discussions in the Conference on Disarmament, it also wanted to ensure that the CTBT did not legitimize existing nuclear arsenals as the NPT has done.

India's then Prime Minister, Narasimha Rao in a joint statement with the President of US Bill Clinton on May 1994 said that both supported efforts towards "non proliferation of weapons of mass destruction, their means of delivery and towards their progressive reduction with the goal of elimination of such weapons." 17

Our policy on the CTBT was succinctly and clearly restated by India's External Affairs Minister Sri Pranab Mukherjee at the UN General Assembly on 29, September 1995.

"Two years ago, the international community at last agreed to negotiate a Comprehensive Test Ban Treaty. We are glad that the negotiations are in progress, but we also note that nuclear weapon states have agreed to CTBT only after acquiring the know how to develop and refine their

17. CTBT, NPT, Embassy of India, Washington press note on nuclear non proliferation, (Downloaded from Internet)
arsenals without the need for test. In our view, the CTBT must be an integral step in the process of nuclear disarmament. Developing new warheads or refining existing ones after a CTBT is in place, using innovative technologies, would be as contrary to the spirit of CTBT as the NPT is to the spirit of non-proliferation. The CTBT must contain a binding commitment on the international community, especially the nuclear weapon states, to take further measures within an agreed time-frame towards the creation of a nuclear free world.  

India's fundamental concern is that it does not want a merely Nuclear Test Ban Explosion Treaty which would allow the continuing expansion and refinement of existing nuclear arsenals through sophisticated laboratory techniques, but a genuine CTBT without any loophole. India holds that mere expression of intent have not been enough to make the nuclear weapon states come to the negotiating table and the treaty should, therefore, clearly include a time bound framework for total nuclear disarmament.

The CTBT as it emerged at the CD ignored all of India's concerns. India had no alternative but to stay out of that treaty, including opposing it in the UN General Assembly. The draft text of the treaty then made "entry into force" conditional on ratification by 44 countries (listed by IAEA) having research and power reactors. This left India with no choice except to block the treaty.

Post Pokharan-II Policy:

On May 11, 1998 soon after conducting the three tests, the Principal Secretary to the Prime Minister, Brajesh Mishra in a press statement, interalia said "India would be

18. Disarmament Times, October, 11, 1995
prepared to consider being an adherent to some of the undertakings in the Comprehensive Test Ban Treaty. But this cannot be obviously be done in vacuum. It would necessarily be an evolutionary process from concept to commitment and would depend on a number of reciprocal activities”.

Announcing this Mishra said, “As was announced on May 13, the planned tests are over. Now there is a moratorium on tests. We would like to convert the moratorium into formal obligation within a possible dialogue with key ‘interlocutors’ on the CTBT.” India also offered a no first use agreement to Pakistan.

In a suo moto statement issued on May 27, 1998, the Prime Minister Atal Bihari Vajpayee reiterated India’s voluntary moratorium stand on CTBT and the “no first use” agreement offer with Pakistan.

Having defeated the objective of the NWS of legitimizing and limiting nuclear weapons in the hands of a select few while denying the same to the rest of the world, India attained and demonstrated its nuclear capability in a series of tests conducted on May 11 and 13, 1998. Now it can turn the table against those who were opposed to its conducting the nuclear tests. It should now sign the CTBT as a quid pro quo for lifting sanctions against it. Among the various possible incentives, access to nuclear trade for peaceful purposes especially in the power sector, could be an important incentive for signing the CTBT. The issue of whether India is going to retain the autonomy with regard to undertaking sub-critical tests which is not forbidden by the CTBT has to be also resolved before signing the treaty.

19. Text of Press Statement made by Principal Secretary to the Prime Minister India declared a moratorium on nuclear testing on May 21, 1998.
20. The Hindu, May 22, 1998
Therefore the Government should debate extensively on the issue of signing CTBT and ensure that risks involved do not outweigh the benefits we gain by signing the same. Both the general public and political leadership (irrespective of party affiliation) have shown great determination and strength in facing the economic and militancy sanctions in the post Pokharan-II period and have overcome the difficulties.

India and MTCR:

Many new non-proliferation and ad-hoc regimes were created in the early 1990s while some of the old ones were strengthened. The Nuclear Suppliers Guidelines were modified in violation of the NPT itself which supported the transfer of technology for peaceful purposes. The Missile Technology Control Regime (MTCR) set up in 1987 was strengthened, especially by national laws and international political action. The original purpose according to MTCR’s guidelines was to reduce the risks of nuclear proliferation by placing controls on the equipment and technology transfers which contribute to the development of unmanned nuclear weapon delivery systems. Over time that goal was expanded to limit the risks of proliferation of Weapons of Mass Destruction (WMD) by controlling transfers that could make a contribution to delivery systems for such weapons. 21

The Integrated Guided Missile Development Programme (IGMDP) launched in 1983 was aimed at making India’s missile development indigenous. The indigenous character of the missile programme makes the MTCR practically redundant in the Indian context. The attempts by the US to put pressure on the Indian space programme by imposing sanctions on India’s Space Research Organization ISRO and the Russian Glavkosmos for sale of cryogenic engine shows the western desperation in this regard.

Although the Russians cancelled the sale of technology the sanctions against India remained in place until their expiry in May 1994. India said the sanctions caused minor inconvenience to the space program which is a civilian enterprise in India.  

In June 1997 the US imposed export curbs on some Indian firms for their role in India’s missile program.

The MTCR thus has been unable to prevent the transfer of missiles or their components and is definitely discriminatory as well as arbitrary. In 1991 the Chinese were reported to have supplied M-11 missiles to Pakistan. Guidance units and Chemical for fuel were supplied in 1992. Some other instances of the MTCRs violation are Iran purchasing Scud Bs from North Korea in early 1988. Iran has also been receiving Scud-C missile parts from North Korea since January 1991. The classic example is that of the cryogenic engine sale from Russia to India. Even when the sanctions were lifted, they were lifted from Russia, the exporter and not India the importer. The consensus principle for acceptance of membership gives a virtual veto power to countries like the United states, that have put the conditions that countries renouncing national missile programs as being necessary for recognition as an adherent.

Under these circumstances it was meaningless for India to try to adhere to the MTCR leave alone to be constrained or cowed down by such technological and economic sanctions. As one of the largest democracies of the world it knows its commitment towards non proliferation and disarmament.

But since developing a nuclear deterrent capacity for our national security is the foremost objective of the policy planners it cannot forgo or compromise on its legitimate right to develop a missile capability for its defence. So as far as MTCR is concerned India need not be an adherent of such an arbitrary and discriminatory regime. India's past record has remained impeccable as it has not sold missiles so far even if it has been producing an array of short, medium and long range missiles.

**F.M.C.T:**

The Fissile Material Cut-off Treaty was first proposed as a US-USSR arms control measure by President D.Eishenhower in 1956 but was rejected by USSR since it felt that it was an American tactic to freeze them at an inferior level. In December 1993, the UNGA passed a consensus resolution for negotiating a "non discriminatory multilateral and internationally and effectively verifiable treaty banning the production of fissile explosive devices." 26

The Fissile Material Cut-off Treaty (FMCT) is currently one of the most important items in the agenda of the CD and has been highly unsatisfactory due to various reasons:

a. Assigning of higher priority to the CTBT till 1996.

b. Debate on whether the cut off should be prospective or retrospective.

c. Linkage to time bound disarmament.

d. Concern over freezing stocks at different levels.

e. Lack of clarity on control, accounting and verification regime.

26. **UNGA 48/75L, Consensus Resolution, 16 December, 1993.**
In August 1998, the CD agreed to establish an ad-hoc Committee on the basis of the 1995 Shannon Report and its mandate in line with the December 1993 United Nations General Assembly (UNGA) resolutions. Obstacles to the resumption of discussions are reported to have been removed with Pakistan's announcement at July 30th session of CD that it would participate in the negotiations. India too had by then already conveyed its decision to participate in the negotiations.

The CD deliberations till the 1999 session indicate that a stalemate has developed over the issue of FMCT. While the US wanted that the treaty verification should be under the auspices of IAEA and should focus on "material produced after the treaties cut off date." Egypt was of the view that no treaty could imply acceptance for the "indefinite possession of nuclear weapons by the five nuclear weapon states specified in the NPT." In addition Egypt reiterated strongly that the treaty's scope "should include all fissile materials potentially usable in the manufacture of nuclear weapons or other nuclear explosive devices across the world including the military stocks possessed by all the states on an equal footing." Several non-aligned states like Peru raised the issue of time bound nuclear disarmament. All this goes to prove that FMCT is still a stalemate and the process of negotiations is bound to be prolonged and arduous.

There are six possible options for India on FMCT. They are:

a. Sign as it is.

b. Sign but with conditions.

c. Sign with quid pro-quo.

d. Declare moratorium on fissile material production.


29. Ibid

30. Ibid

e. Sign CTBT, declare moratorium on fissile Material Production.
f. Reject FMCT

Each of the above options involves certain benefits as well as risks. Among the benefits are (i) possible slackening of technology controls and embargoes (ii) projection of better image of India (iii) improved ties with the Nuclear power states.

Among the risks involved are ; (i) India may have to forego its nuclear capabilities and hence risk its own security (ii) Become dependant on the Nuclear power states for its fuel and technology requirements. (iii) May have to face nuclear threats from China in future as it would be capped lower than China. (iv) Its commitment towards disarmament would be affected. (v) It may face further tightening of sanctions which would hamper its developmental activities.

Thus India has to take a balanced view of the benefits and risks involved and choose an option that is going to maximise its benefits and minimize the risks. India’s decision on FMCT has to ultimately strike a balance between security, economics, international conditions and principle. India’s security objectives in the short and long term have to be clearly formulated and steps should be taken to achieve them.

Views of Experts on the Options:

As part of the project a workshop was held at NIAS, Bangalore on 17 December 1988 to deliberate on the various options identified in this report. As the deliberations in this workshop were quite exhaustive it is beyond the scope of this chapter. The outcome may be summarized as.

I. Maximum support for option two
II. Second in line support for option three and five, but with a recommendation against declaring a moratorium before the treaty takes some definite shape.

III. Some support for option six

IV. No support for option one and four.

However, combination of options two and three is perhaps the best deal for India. Lastly, the FMCT decision has to be ultimately linked with a realistic Indian 'strategic vision which would give national security topmost priority while pursuing its long term goal of total disarmament and a nuclear free world.