Chapter –IV

CTBT AND INDIA’S PURSUIT OF DISARMAMENT AND PEACE

Ending the arms race and effective disarmament measures culminating in a general and complete disarmament is without doubt the largest and the most pressing problem of today’s world’s politics.

In this day and age of nuclear weapons and missiles the very survival of the human race largely hinges on whether mankind succeeds in achieving genuine disarmament, on whether the costly and dangerous arms race is checked and whether the horror weapons of mass destruction are eliminated from the face of the earth.

The very logic of events has placed the problem of disarmament at the centre of the world politics. It is the most burning and crucial problem of our times. Questions of disarmament are being discussed by government officials at many international conferences as well as on a bilateral basis.

The disarmament movement has now involved wide segments of the general public as well as representatives of many international and national organizations. The intense and universal interest being shown in effective arms limitation and eventual disarmament is quite understandable in a world that has seen so many bloody conflicts and wars including two frighteningly destructive world wars, the need for genuine disarmament is being increasingly recognized as crucial to efforts aimed at averting the tragedy of a world thermo-nuclear holocaust and maintaining peace on earth.

Questions of ending arms race and achieving completely disarmament are reflected in the numerous resolutions and declarations adopted by the UN as well as in political statements made by most of the world’s leaders and in the programmes of political parties. Nonetheless, to this day, there has not been a major breakthrough in curbing the arms race, let alone finding a radical solution to the disarmament problem. The
question is why, who and what prevents disarmament? Is disarmament at all possible?

Wars have a history of their own and so is the struggle against them, and disarmament too has a history of its own. War, killings and destruction are essentially alien to human nature, alien to reason and human dignity as men have always sought peace. The first ideas to reduce armaments and even to achieve disarmament originated in ancient Greece, Rome and, in India. The originators of this noble idea associated disarmament with the ideal of ‘eternal peace’.¹

Evaluation of Machinery and Approaches towards Disarmament under the United Nations

The founding members of the United Nations, meeting in San Francisco on 26th June 1945 to sign the Charter, solemnly committed themselves to the purposes and principles of the organization, the primary purpose being “to maintain international peace and security” (Article 1). In order to promote this purpose, “with the least diversion for armaments of the world’s human and economic resources” (Article 26 of UN Charter), they conferred specific responsibilities in connection with disarmament and the regulation of armaments on the Security Council and the General Assembly.

The Security Council was made responsible for formulating with the assistance of the Military Staff Committee (Article 47), “plans to be submitted to the members of the United Nations for the establishment of a system for the regulation of armaments” (Article 24). The General Assembly was empowered to consider “the principles governing disarmament and the regulation of armaments”, and to make “recommendations with regard to such principles to the members or to the Security Council or to both” (Article 11).²

Only days after the signing of the Charter, the first atomic weapons were exploded. This confronted the United Nations with unprecedented
military and political problems. The Charter has envisaged disarmament and the regulation of armaments as elements in the progressive establishment of an international security system. However, the possibility that new weapons of mass destruction might again be used gave disarmament greater immediacy and an enhanced place in the sphere of international politics and security.

The United Nations reacted promptly to this new turn of events. The General Assembly's first resolution (resolution 1(1)), adopted on 24 January 1946, established an Atomic Energy Commission with the urgent task of making specific proposals for the elimination from national armaments of atomic weapons and of all other major weapons of mass destruction. Later that year, in resolution 41(1), adopted on 14 December, 1946, the General Assembly recognized the central role of disarmament in relation to peace and security. In due course the main initiative on disarmament has moved from the Security Council, or bodies under it, the General Assembly and subsidiary organs of the Assembly. The growing influence of the non-aligned countries
has also given them a new role in disarmament, a role that the Secretary General has described as "an important element exercising a moderating and catalytic influence in helping to bridge the gap between extreme positions of either side."

The setting up of the Atomic Energy Commission was, as stated above, the first act of the General Assembly in this direction. The Commission for Conventional Armaments was established by the Security Council at the beginning of 1947. In 1952, these two commissions were merged by the General Assembly into the Disarmament Commission.5

The Disarmament Commission played a less prominent role in disarmament negotiations, notwithstanding the decision of the Assembly in 1947 (by which time the membership of the United Nations had risen from 51 to 82) to increase the ‘Commissions’ size by the addition of fourteen members and, in 1958, to enlarge it again to include all the members of the United Nations. Since then, it has held only two sessions, in 1960 and 1965.

The issue of arms control is too extensive and the underlying hostility too great to allow an immediate and comprehensive solution. Compromise must be achieved through a series of partial measures, each of which balance force reductions and modernization restrictions. Recent arms control negotiations have not focused on a balanced but limited combination of force reductions and weapon modernization restrictions and that has virtually precluded success.6

Arms control in post cold-war era must be pursued as an adjunct to, not a substitute for ways of dealing with sources of conflict and methods of managing disputes while some of the potential causes of war are likely to lie within the military arena, there is little reason to believe they will be the most potent ones.7

The changing nature of world politics suggests a new role and a new importance for arms control. East-west tensions have eased, and an
international diffusion of power is occurring, the fast focus on US-Soviet arms control will not be sufficient in the future, although lacking in the gains of previous and on going arms negotiations with the USSR is critical, it will also be necessary to construct enduring multi-lateral regimes to deal with emerging problems of proliferation of weapons, preventing the proliferation of ballistic missiles, chemical, biological and nuclear weapons will become increasingly important. Arms control should attempt to slow the spread of dangerous technologies in order to gain and to better manage their destabilizing effects. 

Arrangements for ensuring that arms control agreements survive and are able adapt to changing conditions after they enter into force have not received the degree of attention, the subject deserves. Arms control treaties need verification and compliance arrangements that protect the security of the state concerned, provide a low key channel for raising compliance question and instill confidence in public that their interests are being protected. 

The development of large quantities of nuclear weapons in the Asia-Pacific and Indian Ocean regions presents tremendous dangers to the countries of the region. It is essential to define appropriate forms for US participation in the system of confidence building measures in East Asia on the condition that the US demonstrate a desire to avoid explosive situations. The normalization of relations between the countries of these regions not require the cooperation of all the countries affected.

It is obvious that no dramatic result will be achieved in the near future. It might be possible to obtain some guidelines for international arms transfers and further restrictions on the use of certain weapons in war. The regional approach is particularly suited for conventional disarmament.

The Middle East along with South Asia has been the largest conventional arms market in the third world. Despite the presence of evidence that supports the facts of arms trade being a retardant to economic and social
development and the principal causative factor for interstate tensions, the dividing line about whom to blame for this problem has never been bridged. There is now a need to create an arms control regime incorporating suppliers and users, that is equitable at the base, and most importantly offers a feeling of enhanced security through unanimously arrived decisions.\textsuperscript{12}

The developing countries should adopt a strategy of non-confrontationist resistance to the industrial and heavily armed powers to bring about disarmament.\textsuperscript{13}

For years the multilateral arms control processes (eg. The UN, the Conference on Disarmament in Geneva, the Conference on Security and Cooperation in Europe) have provided an extravagant, self-perpetuating, irresponsible gab feast for the benefit of the professional arms-controllers. However, the process has promoted ideas harmful to western security, that wars arise principally from miscalculation and misperceptions; that arms, not aggressive regimes cause wars, that nuclear weapons not totalitarianism, is the chief threat in the world today that 'the superpowers' are morally equivalent, that force can be eliminated from international relations.\textsuperscript{14}

Disarmament has been one of the most important concerns of the non-aligned movement since the time of its inception. This concern was nurtured by the historical experiences of the non-aligned countries whose endeavor has been to guard their independence and remain outside the spheres of influence of the great powers. During the successive summit meetings over the years they have shown progressive sophistication in dealing with specific disarmament issues. Despite various inherent limitations they have constructively contributed to the disarmament debate through mediation between the two superpowers, shaping the consensus in multilateral fora including the General Assembly and the Conference on Disarmament and making people conscious of the threat of nuclear holocaust in an over-armed world. The non-aligned movement has thus become history's biggest peace movement.\textsuperscript{15}
The US attempts at influencing Pakistan, especially its nuclear weapons decisions during 1979-91, explains the conditions under which a supplier can develop structural and decisional influences over a recipient. It concludes that the success rate of influence attempts has been mixed as Pakistan often succeeds in reversely influencing the US to receive better weapon systems, largely due to the structural conflict that Washington was engaging with the USSR on Afghanistan.\(^{16}\)

On all accounts Pakistan's pursuit of nuclear weapon capability is now irreversible, not even the US can deter her. Hence, India must take appropriate counter measures including a matching nuclear response, to safeguard herself. Since neither country is willing or in a position to abandon its nuclear option, the only safe course left is to shun a strike at each other's nuclear facilities and live in mutual nuclear deterrence. This could extend to be deterrence of a conventional war as well, thus serving the cause of peace, even if somewhat diabolically. Accordingly, despite the ongoing mutual distrust, the Indo-Pak accord arrived at on 17 Dec.1985 could be regarded as the second block overcome for building peace on the subcontinent, the Simla Agreement of 1972 being the first.\(^{17}\)

Against a back drop of strategic interests that appear to override US concerns about Pakistan's nuclear path, both India and Pakistan seem destined to engage in a nuclear arms race. The social and economic costs to both countries are obvious enough, but the greatest danger lies in a possible regional blowup also involving the superpower. There is not much hope of a bilateral or international non-proliferation solution, the only hope for nuclear restraint lies in a voluntary freeze by both India and Pakistan on these weapon oriented programmes, wherever possible. At the same time, there is a great need to disengage the Indo-US relationship from its Pakistani shadow.\(^{18}\)

Regional nuclear diplomacy in South Asia primarily originates from the interaction of the nuclear policies of India, Pakistan and the five nuclear
weapon states. India’s policy towards every meaningful nuclear arms control and disarmament solution in the 1980s reflected an inextricable linkage to its claim for general and complete nuclear disarmament, however, because of the exclusiveness of general and complete disarmament as a attainable objective, India has been able to maintain a doctrine of nuclear ambiguity rejecting all of Pakistan, bilateral initiatives aimed at regional non proliferation, India’s covert nuclearisation is generally under this doctrine of nuclear ambiguity.15

The two sided East – West pattern of representation was continued in the Conference of the Ten-Nation Committee on Disarmament, which was established by a decision of the Foreign Ministers of France, the USSR, the United Kingdom and the United States in 1959. The ten participating countries were: Bulgaria, Czechoslovakia, Poland, Romania and the USSR on one side and Canada, France, Italy, the United Kingdom and the United States on the other.

The next step on the conference machinery was the 1961 agreement between the Soviet Union and the United States, endorsed by the General Assembly that same year, to establish the Eighteen Nation Committee on Disarmament, which added to the original ten countries of the 1960 Conference, eight members of the United Nations not belonging to either of the two major military alliances in Europe. The eight new non-aligned members were: Brazil, Burma, Ethiopia, India Mexico, Nigeria, Sweden and the United Arab Republic. The Committee has met in almost continuous sessions since 1962, except when its work was being reviewed by the General Assembly. The Government of France decided not to participate in it.

The twentieth session of the General Assembly may have opened a new chapter in the machinery for disarmament negotiations when, in 1965, it endorsed the idea of holding a World Disarmament Conference to which all countries would be invited. Many of the countries supporting this idea explicitly stated that it was their hope that would permit the participation of,
among others, the People's Republic of China. Though the members of the General Assembly ruled out any direct link between the United Nations and the World Disarmament Conference, so as to make universal participation possible. The resolution recognised the Continuing interest and responsibility of the United Nations in connection with the solution of the disarmament problem.

The new item “general and complete disarmament” was included in the agenda of the Assembly’s fourteenth session at the request of the Soviet Union, on whose behalf premier Khurschchev, addressing the Assembly on 18th September proposed a new disarmament programme in three stages aimed at eliminating within four years and under international control all armed forces and armaments. A revised and detailed version of the programme was submitted to the Ten Nations Disarmament Committee which convened in Geneva in March 1960.

The General Assembly also had before it a three stage plan for comprehensive disarmament submitted on 17 September 1959 by Mr. Selwyn Lloyd, the Secretary of State for Foreign Affairs of the United Kingdom. The plan which was based on the principle of balanced stages towards the abolition of all nuclear weapons and the reduction of all other weapons to levels which would rule out the possibility of aggressive war, was the basis for the subsequent western plan submitted to the Ten-Nation Committee.

France proposed that, in any disarmament programme, high priority be given to measure prohibiting first the development and then the manufacture and possession of all vehicles for the delivery of nuclear devices. Satellites, rockets, supersonic or long range aircraft, submarines, aircraft carriers and launching pads.

The United States representative declared that his government unreservedly supported the greatest possible amount of controlled disarmament and welcomed in particular Soviet willingness to seek progress through limited
steps, expressing a preference for work on the prevention of surprise attack and agreement on the discontinuance of nuclear weapon tests.\textsuperscript{25}

The Conference of the Ten-Nations Committee on Disarmament ended on 27 June 1960 on the withdrawal of the five Eastern European delegations in the aftermath of the U-2 incident and the crisis atmosphere resulting from the abortive summit meeting scheduled for Paris in June. The Eastern European powers charged that the western powers were avoiding the question of general and complete disarmament while the western powers accused that the eastern powers were avoiding the question of preliminary measures and control. The consideration of the disarmament plans which followed the current draft treaties for general and complete disarmament, was left incomplete.\textsuperscript{26}

Following the Irish proposal, 1958, which General Assembly adopted on 20 November 1959 by 68 votes to none, with 12 abstentions, France became world’s fourth nuclear power conducting experimental explosions in February and March 1960.\textsuperscript{27} The problem of proliferation, though not considered at the Geneva Conference of the Ten-Nation Disarmament Committee as requested by resolution 1380 (XIV) was again placed on the Assembly’s agenda of the fifteenth session by Ireland.\textsuperscript{28} The draft resolution was adopted by the Assembly on 20\textsuperscript{th} December 1960, by 68 votes to none, with 26 abstentions as resolution 1576(XV).\textsuperscript{29}

Although there was universal support for the Irish proposal, some states regretted that it did not prohibit the physical transfer of nuclear weapons and that consequently, did not foresee the contingency in which a nuclear power could transfer nuclear weapons while at the same time retaining control over their use.

At the Assembly’s sixteenth session, there was also a new proposal by Sweden. On 17 November 1961, Sweden submitted a draft resolution\textsuperscript{30} co-sponsored by Austria, Cambodia, Ceylon, Ethiopia, Liberia, Sudan and Tunisia, which requested the Secretary General to make an inquiry as to the
conditions under which countries not possessing nuclear weapons might be willing to enter into specific undertakings to refrain from manufacturing or otherwise acquiring such weapons and to refuse to receive in the future nuclear weapons on their territories on behalf of any other country.

Both Soviet Union and USA opposed the draft resolution. The Soviet Union regarded the text of the resolution as weak and not sufficiently categorical and objected to the words “in the future” which appeared in the sentence “to refuse to receive in the future nuclear weapons on their territories on behalf of any other country.”

The United States opposed the draft resolution on the ground that the proposal sought to shift the emphasis entirely to non-nuclear powers receiving nuclear weapons on their territory on behalf of any other country, and thus to prejudice existing defensive arrangements. The conditions which created the need for defensive arrangements would have to be removed before those arrangements could be terminated. The draft resolution seemed, the United States said to question the right of free nations to join together in collective self defence, including the right to self defence with nuclear weapons if need be. The United States had to continue and give its allies the military support which they requested and which they considered necessary for collective self-defence.31

On 4 December 1961, the Swedish draft resolution was adopted by the General Assembly by 58 votes to 10, with 23 abstentions.32

On 2 January 1962, the Secretary General requested member governments to state their views with regard to the conditions under which countries not possessing nuclear weapons might be willing to enter into specific undertakings to refrain from manufacturing or otherwise acquiring such weapons and to refuse to receive, in the future, nuclear weapons in their territories on behalf of any other country.
The three western nuclear powers indicated that the best solution was general and complete disarmament under effective international control including nuclear weapons; the USSR supported the idea of nuclear-free zones, which, it felt, would contribute towards building confidence between states and reduce the threat of an outbreak of military conflicts.\textsuperscript{33}

Matters evolved rather differently, Decolonization proceeded quickly through the 1960s and 1970s, and the membership of the United Nations increased from 51 States in 1945 to 191 by 2003.\textsuperscript{34} While in the same period real progress on disarmament and arms regulation was disappointingly arduous and slow.

The draft treaties for general and complete disarmament introduced by the Soviet Union and the United States in the ENDC (Eighteen Nation’s Disarmament Committee) in 1962 and endorsed by the General Assembly with eight members added from non-aligned states. This became the Conference of the Committee on Disarmament (CCD) in 1969, with a membership of twenty-six states and it was expanded yet again in 1975 to thirty one-states.\textsuperscript{35}

Faced with the continued build up of arms across the board, the General Assembly turned to limiting the introduction of arms into specified geographical areas. By the late 1960s, a number of collateral agreements had been signed, with the principal aim of curbing the expansion of the arms race into areas in which it had not yet extended. These include:

- The 1959 Antarctic Treaty, which provided for the demilitarisation of Antarctica.
- The 1963 treaty banning nuclear weapon tests in the atmosphere, in outer space, and under water, known as the Partial Test Ban Treaty (PTBT).
• The 1967 treaty on principles governing the activities of states in the Exploration and Use of Outer Space, including the moon and other celestial bodies, known as the Outer Space Treaty.

• The 1967 Treaty for the prohibition of nuclear weapons in Latin America, known as the Treaty of Tlatelolco.

• The 1968 Treaty for the prohibition of nuclear weapons, often called simply the Non-Proliferation Treaty (NPT).

These treaties were dramatic in comparison to the years of failure and were visionary in the limitations they placed on the expansion of nuclear weapons deployment. Notwithstanding these achievements, none of these treaties produced actual reductions in levels of weapons, and global military expenditures continued to rise.

Again, it was through the General Assembly that an effort was initiated to slow and reverse the arms race. In 1969 the General Assembly declared the 1970s as the first disarmament decade and called upon states to intensify their efforts to achieve effective measures relating to the cessation of the nuclear arms race. The General Assembly called for nuclear disarmament as well as the elimination of non-nuclear weapons of mass destruction.

To support the attainment of objectives, the General Assembly in 1979 declared the 1980s as the second disarmament decade, with the goals consistent with the ultimate objective of the disarmament process: general and complete disarmament under effective international control. For that purpose first special session of the General Assembly was held, devoted to disarmament, 1978.

During the years immediately following the special session, the international climate worsened. The hostility between the United States and the Soviet Union sharpened, military expenditures increased, and nuclear arsenals continued to grow.
The second special session of General Assembly devoted to disarmament took place in New York from June 7 to July 10, 1982. More than 140 states took part in the debate, many expressing their deep concern at the lack of progress. Also present to give voice were more than 3,000 representatives from 450 non-governmental organisations (NGOs) and the streets of New York witnessed the largest popular demonstration in U.S. history when an estimated three quarters of a million people took part in an anti-nuclear rally.

Despite these expressions of public concern and various efforts to find diplomatic language that would attract consensus agreement, in the end the political gap between the west, the east, and the non-aligned proved too large to be bridged. With the end of the cold war in the late 1980s and early 1990s, the threat of major nuclear exchange receded and the two major nuclear powers, Russia and the United States, themselves took steps to reduce their nuclear stockpiles which represent some 98 percent of the world’s nuclear weapons. It was during the cold war both states made it clear that the negotiations to limit nuclear weapons would be strictly a bilateral matter and a number of agreements were accordingly made. By the end of the 20th century it was estimated that the nuclear stockpiles had been reduced by approximately half, to less than 30,000 warheads.

But, although the threat of nuclear war has lessened and stockpiles have been reduced, large numbers of warheads and delivery systems remain. The consequences of a nuclear exchange were to take place would still be catastrophic. China, France and United Kingdom are believed to have a combined total of about 1,000 nuclear warheads; with the nuclear tests carried out by India and Pakistan in 1998, there are now seven countries with nuclear weapons, and for many years there have been reliable assessments that Israel has an undeclared nuclear weapon capability.
South Africa announced in the early 1990s that it had ended its undisclosed nuclear programme by destroying its half dozen or so nuclear devices. Argentina and Brazil signed an agreement in 1991 to end their rival nuclear weapon research programmes and agreed to have the IAEA participate in overseeing the agreement. However, despite considerable efforts since 1963 to negotiate a treaty acceptable to all, the goal has so far proved elusive.

The principal stumbling block in achieving full scale disarmament objective for many years was that of reliable verification, but eventually a worldwide system of on site inspection and seismic, infrasound, radio-nuclide, and hydro acoustic stations and laboratories was devised.

The issue of nuclear non-proliferation has received major attention over the years. The treaty on the nonproliferation of nuclear weapons was adopted in 1968, came into force in 1970, and was extended indefinitely in 1995. The treaty has 188 parties, including the original five nuclear weapon states, but Cuba, India, Israel and Pakistan are not its signatories.

One of the major achievements of the United Nations in the nuclear field is the Comprehensive Nuclear Test Ban Treaty (CTBT) which was overwhelmingly adopted by General Assembly after years of planning, hard work, and lobbying by many non-governmental organisations (NGOs) that advocate arms control. It was an achievement not only for curbing nuclear weapons, but also for halting nuclear contamination of the environment, even by underground testing.

As of the beginning of 2004, 170 states had signed the treaty and 108 had ratified it. France, Russia, and the United Kingdom have ratified, but China and the United States have not. Israel has signed but has not ratified, and neither India nor Pakistan are its signatories. On October 13, 1999, the US Senate voted 51-48 to reject the CTBT. President Bill Clinton declared, “by this vote, the Senate majority has turned its back on 50
years of American leadership against the spread of weapons of mass
destruction”.

INDIA’S POLICY ON DISARMAMENT

India’s independence coincided with the beginning of the cold war
between the two power blocs. Not many Afro-Asian nations were members
of the United Nations at that time. Not being a great power and lacking
adequate military strength, India found that it was not in a position to
influence the decisions of the powers principally concerned in matters of
disarmament although it was much interested in this question.

The Soviet Union and the United States were wedded to opposite
ideologies. They held differing views on the issues involved in disarmament.

Thus, the disarmament negotiations were conditioned by the
atmosphere of the cold war and were, in fact, regarded by the powers
concerned as a weapon to be used in the cold war. Instead of trying to
reach agreement, the two power blocs made use of negotiations to indulge in
propaganda against each other. Such an attitude was hardly conducive to the
conclusion of an agreement on disarmament. In the pursuit of its policy of
non-alignment, India endeavoured to eschew the approach and pressed for a
consideration of the various matters characteristic of the cold war connected
with disarmament on their merits. India declared that success of the
disarmament talks depended on their being held in a “climate of peace”.

Addressing the World Federalist Conference in New Delhi on 4
Sept. 1963 the first prime minister of India J.L. Nehru said:

“It was not difficult to out vote the big nations on the issue of
disarmament in the world body through the combined efforts of smaller or
not so powerful nations. The difficulty lay in ensuring that the big nations
respected the majority decisions on this issue”. Speaking on this aspect of
the disarmament problem. He further stated: “This question can not be
solved by majority voting. It has to be solved ultimately by the United States and by the Soviet Union, as well as by other powers like the United Kingdom that possess these weapons and some others who may possess them.” 46

India’s suggestion that there was need to find the basis for agreement between the big powers was very realistic because it was not possible to dictate terms to the countries which were directly involved. Moreover, only the states which were directly involved could deliver the goods. “This does not mean that India did not visualize any role for small powers in the disarmament negotiations”47, stated Krishna Menon while speaking before the General Assembly. The small powers could play a vital role in reconciling differences between the great powers by refraining from taking sides in the matters under dispute.

Prime Minister Nehru considered disarmament the most important question facing mankind. Since the advent of nuclear weapons, nations possessed the power to destroy mankind and the whole of creation. Disarmament therefore, occupies and continues to occupy an important place in India’s foreign policy.

India laid utmost stress on nuclear disarmament and the prohibition of the use of atomic weapons. The All India Congress Committee (AICC) resolution, adopted as early as September, 194548 at the instance of Nehru, deplored the appearance of the atom bomb. Speaking in the Constituent Assembly on 2nd January 1947, Prime Minister Nehru observed that the conflict in the contemporary world was between the atom bomb and the spirit of humanity.

It was on India’s initiative that a small sub committee of the Disarmament Commission, consisting of the major powers was established in 1953. When the sub-committee became paralysed and deadlocked, India
suggested the expansion and reconstitution of the disarmament negotiations machinery in order to make it more representative of world opinion.

Another significant aspect of India’s approach to the problem of disarmament was its insistence that agreements should be based on the principle of universal applicability. There should be no discrimination. India came out with a practical suggestion: “Elimination of nuclear and conventional armaments must be so phased that at no stage will any country or group of countries obtain significant military advantage”. 49

India laid stress on the point that the problem of disarmament and international confidence were closely linked. The cause of friction and suspicion should, therefore, be removed. India attached the highest importance to collateral measures that prompted India to support the Soviet proposal, made in 1962 for a “no aggression” pact between the Soviet Union and the United States.

INDIA AND NON-PROLIFERATION OF NUCLEAR WEAPONS

The first proposal dealing directly with the spread of nuclear weapons were advanced by the Soviet Union and the United States in the subcommittee of Disarmament Commission in 1956-57. It was however, during the thirteenth session of the General Assembly in 195840 that the Assembly’s concern at the possible spread of nuclear weapons through dissemination and acquisition took a concrete shape. Ireland submitted a draft resolution on the subject, which paved the way for future UN decisions. Recognising the dangers of dissemination of nuclear weapons, the resolution suggested that the Ten-Nations Disarmament Committee should consider ways and means of averting the danger of nuclear catastrophe. India voted in favour of the resolution.

The problem of proliferation was not considered at the Geneva Conference of the Ten-Nation Disarmament Commission as requested by the Assembly resolution 1380 (XIV). It again came up before the General
Assembly during fifteenth and sixteenth sessions on the initiative of Ireland. Here it is significant to note that while Soviet Union supported the draft, the United States abstained from voting. The next development in the effort to halt the spread of nuclear weapons took place in 1961. The General Assembly, by its resolution 1664 (XIV), asked the Secretary General to make an inquiry into the conditions under which the countries not possessing nuclear weapons might be willing to give specific undertakings to refrain from manufacturing or otherwise acquiring them and to refuse to receive in the future nuclear weapons in their territory on behalf of any other country. The draft of this resolution was submitted by Sweden in November 1961. It was again the failure of efforts that both USSR and USA opposed the draft. India, on the other hand, supported the resolution.

The government of India in its reply to the inquiry stressed its policy towards nuclear non-proliferation; India said that the elimination of nuclear weapons was imperative and urgent as an initial step towards disarmament. She pointed out that the great responsibility rests on those who already possessed and manufactured those weapons.

During the seventeenth session of the General Assembly in 1962, there was considerable support for the idea that prevention of the spread of nuclear weapons should be given priority after an agreement had been worked out on the cessation of nuclear weapon tests.

The world community had a breakthrough on 8 August 1963, when the US, the Soviet Union and the United Kingdom concluded the Moscow Test Ban Treaty which was later subscribed to by an overwhelming majority of the states. Each of the parties to the treaty undertook to prohibit, to prevent and not to carry out any nuclear weapon test explosion or any other nuclear explosion at any place under its jurisdiction or control.

India immediately subscribed to the treaty with the belief that it was the first step towards a comprehensive test ban treaty. The Moscow Treaty
was signed by a bulk of nations with a certain amount of enthusiasm and optimism. It was hoped that the treaty would pave the way for further agreements on the non-proliferation of nuclear weapons and ultimately to the much cherished aim of disarmament.\textsuperscript{53} The Indian representative in the Eighteen Nation Disarmament Committee described the treaty, on 29th August 1963, as a significant first step towards purposeful measure for world peace and disarmament, and added, that, its importance does not lie so much in what the treaty actually says, as in what it means and the hopes it aroused. Nehru characterised the test ban agreement as an important landmark in the history of international cooperation and understanding and hoped that it would lead to wider agreements in other collateral tension-reducing measures and to speedy conclusion of a treaty on general and complete disarmament.\textsuperscript{54} Probably what India did not realise was that the treaty was the consequence of an agreement between the concluding parties to ensure permanently their dominant positions and hoodwink the international community. That was why both China and France opposed it. Refusing to subscribe it, China announced the treaty as a "big fraud".

In between the conclusion of the PTBT in August 1963 and the Non-proliferation Treaty in 1968, the efforts of the super-powers were concentrated not on evolving a comprehensive test ban treaty and nuclear disarmament but on setting up of an international system by which they retain their monopoly in nuclear technology to ensure their dominant position which was being eroded by developments in international affairs.

In such a global environment, India sought elimination of nuclear weapons. She pleaded for a wider approach to eliminate nuclear weapons instead of a limited approach, which had been responsible for increase in the number of nuclear powers since 1945. Accordingly, India took the initiative to inscribe for the first time on the agenda of the General Assembly an item under the title of "Non-proliferation of Nuclear weapons" on 10 October 1964.\textsuperscript{55}
Earlier to it, the UN resolutions spoke of “prevention of the wider dissemination of nuclear weapons”. India differentiated between dissemination and proliferation and said the former was the transfer and receipt of weapons and technology whereas the latter related to manufacturing of nuclear weapons. India wanted the international community to voice its concern at the proliferation in all its manifestations rather than only at one aspect of it.

The enunciation of the Indian approach to non-proliferation of nuclear weapons is an improvement on the reply of the Government of India to the Inquiry of the Secretary General under the General Assembly’s resolution 1664 (X.VI). In the Disarmament Commission, India raised the question of security and her representative stressed that it was unrealistic to ask countries to foreswear forever a programme of nuclear weapons production, when the existing nuclear powers continued to hold on to their awesome arsenals.

Non-Proliferation and Nuclear Policy of India

India’s approach to the non-proliferation and her nuclear policy were lucidly stated by the Indian representative in the first Committee of the General Assembly on 14 May 1968. Referring to the deep and abiding interest of the government of India in disarmament, the Indian representative recalled that India has been consistently of the view that all nuclear weapons, being weapons of mass destruction, must be completely eliminated and it was urged that the test ban treaty of August, 1963 which India had initiated, and to which she had subscribed, be extended to underground tests as well. She pleaded for a wider approach to eliminate nuclear weapons instead of a limited approach which, it was felt, had been responsible for increase in the number of nuclear powers from one in 1945 to five in 1964.

The Indian representative also recalled the policy of the government of India regarding the utilization of nuclear energy. It was argued that
India's policy intended to utilize nuclear energy exclusively for peaceful purposes. This policy was based on the firm belief in disarmament, which made it necessary to refrain from doing anything that may escalate nuclear arms race.

The classic problem of cheating under a disarmament agreement, which has been recognized and discussed by both the Soviet Union and the United States is the spectre of the hidden stockpiles of nuclear weapons. A clandestine stockpile could result either from production antedating the disarmament agreement through a combination of under-declaration and imperfect inspection or from clandestine production carried on while the agreement was in force. Concealed nuclear weapons are not in themselves substantial threats without effective delivery systems, but concealment of some quantity of delivery vehicles also, now appears, feasible even under conditions of extensive inspection.

The treacherous attack that shatters the peace of a supposedly disarmed world and the sudden ultimatum backed by a dramatic revelations of a nuclear weapons cache are the two terrors to which disarmament discussions return again and again.

Nehru publicly opposed the development of nuclear weapons. His opposition to nuclear weapons accorded with his deep-rooted opposition to the use of force to resolve international disputes. Nehru's aversion to nuclear weapons is also drawn from his fundamental fear of the militarization of Indian society. Additionally, his opposition was an outgrowth of his firm beliefs about the role of the use of military force in world affairs. He believed that military spending was, at best, a necessary evil.

A turning point in the Indian foreign policy establishment attitude towards defence spending came in the aftermath of the Sino-Indian border war of October 1962. After invading India along the Himalayan border the
Chinese Peoples Liberation Army routed the ill-equipped and ill prepared Indian army and came to occupy some 14,000 square miles of Indian territory.\(^5\) In December 1964 at a press conference in London, prime minister Lal Bahadur Shastri revealed India's efforts to obtain a nuclear guarantee from the nuclear weapon states.\(^6\)

India allowed Britain to insert safeguard arrangements to prevent the diversion of fissile by-products to weapons use in the agreement it signed to import enriched uranium from the United Kingdom for APSARA, India's first experimental research reactor. For CIRUS, the second research reactor, India did not accept any controls, as Canada at that time did not have a strong bargaining position.\(^6\) The 'peaceful uses only' clause became increasingly controversial in Indo-Canadian relations following India's performance in the NPT debate after 1965.\(^7\)

The Treaty of Tlatelolco or the Treaty for the Prohibition of Nuclear Weapons in Latin America was signed on 14 February 1967. It is the only instrument concluded so far establishing a nuclear weapon free zone (NWFZ) in a densely populated area.

Despite the fact that Tlatelolco Treaty establishes Latin America as a NWFZ and there is Organizing Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) to exercise supervisory control. Yet it suffers from loopholes from the sides of Argentina, Brazil, Soviet Union & USA. India welcomed the treaty as an event of historic significance in the efforts to prevent the proliferation of nuclear weapons.

**INDIAS POLICY TOWARDS DISARMAMENTN AND NON-PROLIFERATION SINCE 1985**

India's policy carved out during Jawaharlal Nehru era, followed by Indira Gandhi, continued during Rajiv Gandhi's era in India's functioning in world politics. Among other issues nuclear disarmament was indeed an alarming one. So Rajiv Gandhi's objective to mobilize public opinion
against nuclear weapons was primary in India’s overall nuclear policy. India had consistently urged to ban the vertical proliferation and substantial reduction in stockpiling chemical weapons. Rajiv Gandhi carried this campaign to various international as well as regional fora.  

On May 22nd, 1984 prime minister Indira Gandhi had appealed to the nuclear powers – for disarmament and an end to arms race in the interest of peace. The late prime minister of India Rajiv Gandhi as her successor followed up this appeal while pressing over a summit conference of six countries on disarmament as the chairperson of non-aligned nations. This conference was called on the basis of the appeal of 22nd May 1984; it accepted the programme to persuade the nuclear powers to stop further arms-race. This summit was held on 28th of January, 1985. Rajiv Gandhi presided over the summit of Six Nations comprising Sweden, Mexico, Greece, Tanzania, India and Argentina. The main objective of the summit was to prevent further production and proliferation of chemical, biological and all nuclear weapons. The Delhi Declaration was signed at the end of the summit where it was unanimously accepted that all nuclear tests using outer space must be scrapped and the outer space should be used for the benefit of mankind. The summit demanded elimination of nuclear weapons of the two super-powers to ensure peace and security in the world. Above all, they suggested for verification under the auspices of the United Nations to further the process of disarmament unless there is a complete halt of production of nuclear weapons. Without reduction in conventional weapons there cannot be a nuclear free world. The participating nations in the summit stressed on the halt of all types of testing, production and deployment of nuclear weapons.

The comprising states of Delhi Declaration believed that only concrete steps would facilitate to avert the dangers of a nuclear war. Two specific steps required special attention at that time; the prevention of an
arms race in outer space and a comprehensive test ban treaty. In their view, outer space must be used for the benefit of mankind as a whole, not a battle ground for the future. They further urged the nuclear weapon states to immediately halt the testing of all kinds of nuclear weapons and a treaty on nuclear weapon test ban. Such a treaty would be a major step towards ending the continuous modernisation of nuclear arsenals. However, the Summit Declaration was not supported by other third world countries. The critics also argued that India, in its effort for disarmament, was left alone without much support of the non-aligned countries.

The international situation was tense in the second half of the eighties. So the AICC (1) urged the nuclear powers "to find a common ground for reversing the disastrous lurch towards mutual destruction. The tremendous potential of scientific and technological development could be harnessed." The Soviet Union also stressed on complete disarmament and put the task before nuclear powers. The common approach of both India and the USSR on major international issues testified, "after Rajiv came to power new orientation had been given to India's policies. There was no doubt that India became the centre-piece of the Soviet Union's policy on Asia and also in its global strategy and there was no question of leaving India in the lurch".

India's nuclear policy was aimed at peaceful uses of nuclear energy. At the same time the Indian government alleged Pakistan's nuclear activities and the US role in supporting Pakistan's policy by supplying sophisticated arms. On December 18, 1985, both the heads of India and Pakistan agreed not to attack each other's nuclear stations. The declaration was definitely a welcome step.

It is not wrong to say that India's nuclear programme was designed to use available nuclear energy for peaceful purposes. The environmental
concern was another factor, which prompted Indian government to go for peaceful nuclear energy programme.

India is committed to non-proliferation and disarmament, perhaps one of the highest watermarks in Indo-Soviet relations was the official visit of Mikhail Gorbachev to India in November 1986. In their meetings, the heads of the two governments issued 'Delhi Declaration' on principle for a nuclear weapons free zone and non violent world.

The Indian government was anxious to implement the Delhi Declaration, as it would help in ushering in a nuclear weapon free and non-violent world. Rajiv Gandhi's plan which coincided with Gorbachev's statement of January 15, 1986 in many respects is based on four provisions: One, there should be a binding commitment by all nuclear weapon and non-nuclear weapons in stages; second, all nuclear weapon states and non-nuclear weapon states must participate in the process of nuclear disarmament; third, to demonstrate good faith and build the required confidence, there must be tangible progress at each stage towards the common goal; fourth, changes are required in doctrines, policies and institutions to sustain a world free of nuclear weapons. Negotiations should be undertaken to establish a comprehensive global security system under the aegis of the United Nations. The Soviet Union highly valued India's position and its approach on the issue of the complete halt of all types of nuclear tests everywhere.

The security environment around the country had considerably degenerated. The government of India in all circumstances favoured disarmament without ambiguity, a nuclear free world and pursued a peaceful non-aligned policy.

No doubt, India should increase activity in taking initiatives and advancing proposal intended to help normalise the situation on the globe, to achieve disarmament and to reduce the nuclear danger, when the Soviet
people supported India's struggle for a world without nuclear arms. There had been all round cooperation between the two countries. But the United States, in its strategy to restore balance of power in South East Asia and to counter India's link towards Russia, started strengthening India's two Border States, China and Pakistan. Despite the Sincere desire of India and other like-minded concerned nations the super-powers went on increasing their defence buildups.

The Geneva Conference succeeded in mobilising public opinion against the production and proliferation of nuclear warheads. India proposed an action plan in this regard, which envisioned that nuclear disarmament cannot be attained till the nuclear weapons are committed to observe the doctrines of deterrence. India's 'Action Plan' was based on the premise that the process of disarmament cannot be confined to USA and USSR but there should be a binding commitment by all nations to eliminate nuclear weapons. India's approach was to eliminate the nuclear weapons by 2010 A.D. and to establish a non-violent, nuclear weapon free world, so that mankind would survive.

INDIA AND THE NPT

In between the conclusion of Partial Test Ban Treaty in August 1963 and Non-Proliferation Treaty in 1968, the efforts of the super powers were concentrated not on evolving a comprehensive test ban treaty and nuclear disarmament but on the setting up of an international system by which they retain their monopoly in nuclear technology to ensure their dominant position which was being eroded by developments in international affairs.

The NPT was hailed as "man's latest effort to achieve political control on a global scale over the distributive potential of his science and technology.... also a step towards the stabilization of the international political environment". But the NPT was more discriminatory and riddled
with many loopholes, consequently the champion of slogan of disarmament refused to sign the NPT. India had made its stand very clear at the draft stage itself. The then Indian foreign minister said on 27 March 1967 that "when the draft of NPT is given to us we will carefully consider it and that the primary consideration – is our national security". India further made it clear that it was in a position to use nuclear energy for peaceful purposes and thus India was opposed to any thing in the treaty which would impede its plan to use nuclear energy for peaceful purposes. The stand was reiterated by Indian delegate, V.C. Trivedi in the ENDC on 23 May, 1967 when he said that, "nuclear weapon’s apartheid could be tolerated but not an atomic apartheid for economic and peaceful development".

While commenting on the draft NPT, India’s deputy minister of foreign affairs told Lok Sabha on 14 March 1968 that "the present draft treaty does not promote disarmament". Explaining India’s attitude towards the NPT as not being rigid, Mrs. Gandhi said that, "if the Treaty were to be changed and we feel that it was in our interests, we shall sign it and we have made it clear in no uncertain terms that the present draft treaty does not give us any satisfaction". It is in this background that India raised objections to the discriminatory provisions of the NPT and refused to sign it.

India regarded the pattern of obligations between NWS and NNWS in the Treaty as imbalanced. It questioned the absence of any method to assess whether the NWS and their NNWS allies were adhering to their obligations under first two articles of the Treaty. The NPT was in consistent with the General Assembly resolution 2028(XX) and was replete with all ingredients of discrimination. It avoided equal and mutual obligations of NWS and NNWS. Despite the well-known fact that NWS were in possession of an over kill capacity, the Treaty failed to prohibit proliferation of nuclear weapons within NWS. The controls applied to the NNWS could be applied to the NWS with a view to facilitate a balance of
obligations and responsibilities between the former and the latter “but the Treaty did not concern itself with the existing stockpiles of nuclear weapons or their augmentation or their further sophistication”.  

Because of discriminatory provisions, India has not so far acceded to the NPT, which has been signed by 172 countries hitherto. Instead of adopting incremental measures like NPT, India has called for general and complete disarmament.

At the same time India has also advocated the right of developing countries to use nuclear energy exclusively for peaceful purposes. India has been steadfast in its commitment in harnessing nuclear power for peaceful purposes. As far back as in mid 1950s, the then prime minister of India, Jawaharlal Nehru, had stated that it would never use nuclear energy for military purposes. And India has been genuinely committed to this.

Initially, the NPT played a significant role in creating an international consensus against the proliferation of nuclear weapons, especially due to the cooperation of the two super powers. But gradually its operational aspects became increasingly difficult and complex. Even its ardent supporters became disenchanted and rather disillusioned with its success. They began to perceive the nuclear non-proliferation process as “fraudulent” and interpreted it as a calculated attempt of the super powers to legitimise their nuclear monopoly.

India, in fact, is not against the NPT but against its discriminatory character. Indian foreign policy elites are in agreement with the conception that “the NPT would cage the puppy of horizontal proliferation while leaving the tiger of vertical proliferation free to maraud the world.” India, therefore, urges the nuclear powers that they ought to effect vertical non-proliferation which in turn might induce others not to engage in nuclear proliferation. But, paradoxically, seeds of nuclear proliferation are inherent in the clauses of NPT itself.
Unfortunately, the super powers are not willing to forsake the tempo of increasing armaments going on in the weapon industries. The failure of the super-power disarmament talks in Geneva confirm India's worst fears that intransigence and lack of real political will on the part of both parties would create an international climate of mutual suspicion and distrust and intensify the scramble for armaments throughout the world.

India is sensitive to the discriminatory features of the NPT and the US Non-Proliferation Act, 1978. Therefore, it has refused to ratify the NPT, which prompted the US to stop nuclear fuel supplies for the Tarapur Nuclear Reactor.

India's frustration became all the more manifest when the US - Non-Proliferation Act, 1978 exempts nuclear weapon states from the full scope safeguard requirement as a precondition for making American nuclear technology available to them. The Indian government was annoyed with the US decision to regard China as a nuclear weapon state under the 1978 Act. This signifies that Beijing is entitled to procure nuclear technology directly from the US or through third party transfer of American nuclear technology. The US 1978 Act perhaps came into existence as a reaction to India's Pokhran explosion of May 1974. Though the US government described the Indian PNE as equivalent to a nuclear weapon from the point of view of proliferation, the Act did not confer the status of a weapon state on India. Thus, India is prevented to exempt itself from full scope safeguards. Due to the dichotomous nature of US nuclear policy, India seeks to keep its nuclear option open. It pursues a policy of developing nuclear energy for constructive purposes with a view to gradually reduce its reliance on external energy sources.
Discriminatory Safeguards in NPT

India has been a staunch critic of the safeguards requirements under Article 111 of the NPT. The Indian representative to the ENDC told that India has satisfactory arrangement for safeguards with the countries that helped in its nuclear programme. India was of the view that atomic reactors engaged in peaceful pursuits and atomic power stations of the developing countries, did not in themselves; pose any threat to the security of the international society.

India had consistently expressed the view that the guiding principle that should be followed in regard to safeguards, “is that they should be universally applicable and be based on objective and non-discriminatory criteria”.89

The Indian representative to the UN further observed that the NPT placed all safeguards and controls on the NNWS and none whatsoever on the NWS. India further objected to the system of safeguards as unsatisfactory and which brought discrimination among the NNWS.

India, however, had no objections to the presence of IAEA in relation to safeguards. It did not agree that the IAEA was fully competent to negotiate and conclude agreements with the states parties, to the NPT. It laid emphasis on the fact that application of safeguards had to be in accordance with the provisions of the statute of the IAEA.90

India found the IAEA safeguards system as more comprehensive and non-discriminatory as compared to the NPT safeguards. It therefore called for the simplification and rationalisation of IAEA safeguards systems.

Security Implications

The NPT has referred to the security implications for the NNWS. In India’s view, the problem of the security of the NNWS from the use or the
threat of use of nuclear weapons arose from the possession, the continued stockpiling and the further sophistication of nuclear weapons.\textsuperscript{91}

India firmly believed that the real and credible guarantee of security of the NNWS from the use or the threat of use of nuclear weapons could be provided only through nuclear disarmament especially when the nuclear weapons are completely eliminated. The discriminatory provisions of the NPT permits NWS to retain their nuclear monopoly where as the NNWS were prevented from going nuclear.

It was made clear that India would welcome any steps by the NWS and NNWS to make the United Nations more effective for the purpose of providing effective security to the NNWS. India demanded that the whole question of security assurance should be dealt with "separately and independently" of the NPT.\textsuperscript{92}

**Peaceful Use of Nuclear Energy Denied**

The NPT denied even the peaceful use of nuclear energy to the NNWS and for this reason also India did not sign the NPT. M.C. Chagla, the Indian foreign minister, told the Lok Sabha on 31 May 1967 that the most important thing in the Treaty which went against the NNWS was in respect of nuclear technology M.C. Chagla further declared: "We seriously object to it. We strongly resist any attempt at preventing this country from making progress towards betterment and improvement of nuclear technology". \textsuperscript{93}

India was of the view that nuclear energy played a decisive role in the mobilisation of nation's resources for development purposes. All the nations must have the right to develop and utilize atomic energy in every form, as also the right to carry out peaceful nuclear explosions. These explosions not only made great civil-engineering projects possible but also offered an ever-increasing variety of applications capable of speeding up the progress of the people. The use of atomic energy for peaceful purposes was all the more important for the developing countries.\textsuperscript{94} India felt that the
efforts of various developing countries to achieve national reconstruction would suffer a big setback if a non-proliferation treaty sought to impose limitations on their right to use atomic energy for peaceful purposes. It declared that non-proliferation treaty should, if it was to be effective and mutually acceptable, recognise the right of every nation to develop atomic energy and conduct nuclear explosions for peaceful purposes.\textsuperscript{95}

The nuclear powers argued that the non-nuclear countries should be prohibited from developing the technology of carrying out peaceful nuclear explosions on the ground that this technology involved was the same as the technology used in making nuclear weapons.\textsuperscript{96} Realising the same situation the then representative of the United States, Foster, said; “All that the nuclear powers want to do is to deny them (i.e. non-nuclear powers), the technology needed for manufacturing nuclear devices for fear that they may use them for military purposes”.\textsuperscript{97} The remarks made by Indian ambassador Trivedi, on this issue, stated;

“The Indian delegation does not deny that the technology involved in the production of nuclear weapons is the same as the technology which produces a peaceful explosive device; although a weapon has many characteristics which are not present in a peaceful device. Moreover, as far as fission technology is concerned, it is known to a large number of countries. But that, in any case is not the issue. As the Indian delegation pointed out in the United Nations last year, technology in itself is not evil, aeronautics, electronics, even steel fabrication, these are technologies, which can be used for weapons as well as for economic development. That does not mean, therefore, that only the poor and developing nations should be denied all technology for fear that they may use it for military purposes”.\textsuperscript{98}

India was aware of the risks involving in giving every nation unfettered freedom to develop the technology of peaceful nuclear explosions. It therefore, called for the devising of a proper system that
would ensure that various nuclear devices were used for peaceful purposes only. Ambassador Trivedi further stated:

"India recognizes that such explosions must be adequately safeguarded. The safeguards must apply equally to all nations, and the Indian delegation is prepared to work with others in involving a system of regulation, which could be accepted by all states. The solution of the problem must not be sought in renunciation of the sovereign right of unrestricted development of new sources of energy by some countries only, and mainly by the developing countries". 99

India did not want any stockpiling of nuclear devices. It favoured international controls over all the stages of the manufacture of peaceful nuclear devices. It called upon all states (nuclear as well as non-nuclear) to accept international safeguards against possible misuse of peaceful nuclear explosions for military purposes. It offered to cooperate with other nations in evolving an international system of regulations in this regard.

**NPT – Review Conferences and India**

The first NPT Review Conference was held at Geneva from 5-30 May 1975. It was attended by 58 states, seven signatory states and seven observer states. Prior to the commencement of the Review Conference under the auspices of the UN Secretariat, had prepared four papers covering the basic aspects of the operation of Articles I, II, IV, V and VI. The IAEA also prepared papers on the functioning of Articles III, IV, and V. The Organisation on the Prohibition of Nuclear Weapons in Latin America (OPANAL) also submitted a study about Article VII of the NPT with regard to the functioning of nuclear weapon free zones. These documents were issued as documents of the Conference.

The non-nuclear weapon states represented the Review Conference criticised the non-implementation of Article IV regarding nuclear disarmament, the policy of denial of peaceful nuclear technology through more stringent
safeguards measures which were contrary to the spirit of Article IV; the non implementation of Article V regarding PNEs and about the inadequacy of the security guarantee as envisaged under resolution 255 (1968) of the Security Council.

India, being a non-signatory to the NPT, was not represented at the first NPT Review Conference (1975). Since the recommendations of Review Conference did in no way answer India’s basic objection to the provisions of the NPT, there was no change in India’s attitude towards the NPT. The second NPT Review Conference was held in Geneva from 11th August to 7th September 1980. A total of 75 countries of which 43 belonged to the third world, 24 from the west and 8 from east Europe participated. The Nigerian delegate drew the attention towards the fact that 10 near nuclear weapon states were not parties to the Treaty, how for it is realistic to believe that the treaty will succeed.

Even the third NPT Review Conference held in Geneva from 21 September to 27 October 1985 has failed to conclude the demands of non-aligned non-nuclear weapon states. This has created a stalemate between the NWS and NNWS. The NPT is valid up to 1995.

India being a non-signatory to the NPT was not represented in the three NPT Review Conferences. But India’s standpoint has been vindicated by the group of 77 represented in these Review Conferences. India has abjured the production of war bombs preferring peace bombs instead because the country’s interest is economic reconstruction and not political power.100 Unless the discriminatory provisions of the NPT are removed; India and some other non-nuclear weapons states are not expected to be parties to the NPT.

Indefinite Extension of the NPT

If NATO consolidation and expansion was one major assault on the post cold war disarmament momentum, the other big blow was dealt by the permanent and indefinite extension of the NPT in April 1995.101 This
symbolized as nothing else but the determination of the existing NWSs to maintain their exclusive club and to completely distort the original purpose of the NPT. The NPT should now no longer be regarded as the one living institutionalized commitment of the NWSs to carrying out their own eventual disarmament. The NPT through its permanent and indefinite extension has been finally and fully transformed into little more than the central institutionalized mechanism for ensuring non-proliferation, i.e. the enduring exclusivity of the nuclear club.102

The fact that France and China finally joined the NPT regime in the post cold war period did not reflect a newfound commitment on their part to obey Art VI that called on the nuclear weapons states, which are signatories to the treaty to pursue negotiation’s ‘in good faith’ for complete disarmament. Nor did it mean a newfound enthusiasm on their part for promotion of global disarmament. Both France and China had earlier repeatedly committed themselves to joining disarmament negotiation if the US and Russia reduced their arsenals by fifty percent. Once this became feasible and certain in the post cold war era, both quite shamelessly reverted from their promises in this regard. France and China (along with UK) now declared that they would only enter such negotiations when the US and Russia had reduced their arsenals by 95 percent. It is in keeping with this cynical mentality that China and France joined the NPT. That is to say, they joined the NPT when they correctly perceived it to have been reduced to little more than a collective mechanism for ensuring non-proliferation outside the ranks of the NWSs while also legitimising their ‘own formal’ entry and status into the nuclear club.

How did this betrayal of earlier hopes in the NPT entertained by the NNWSs come about? It was due to a combination of factors. At the heart of the NPT lay a bargain, renunciation of the nuclear option by NNWS, in return for a commitment by NWSs, which were members of the treaty to move towards complete global disarmament. The NPT still contains the only legal
commitment made by the NWS to carry out total disarmament hence its enduring attraction for many NNWSs, and anti-nuclear activities and groups that see in this the existence of some minimal point of international diplomatic leverage vis-à-vis the NWSs. Even the ICJ ruling took strength from Article VI and the legal commitment it embodied.

So disillusioned however, had the NNWSs become with the perfidious behaviour of the NWSs in not obeying this Article that by the time the treaty’s life was ending (25 years after 1970 when it came into force) and the issue of its possible extension arose, the precise fate of the NPT was quite uncertain. It was by no means self evident that the NPT would survive. Certainly, its permanent and indefinite extension was widely considered to be among the less likely outcomes.103 The most widespread view was that the NPT would be extended but not indefinitely and that most bargaining would be around the length of time period for which it should be extended. The NWSs would want as long a time period as possible while NNWSs would have to arrive at agreement about what would be a reasonable period. It was obvious to all that as long as the extension was limited, the NNWSs would possess stronger leverage on the NWSs since the NPT’s future life could again be made more easily conditional on future behaviour by the NWSs.

When NPT went into force in 1970, it contained provisions for a review conference every five years104 and after twenty-five years, determinations as to whether it would be extended further. Although not a signatory, India rejected such an extension, hoping that the treaty might be modified in several ways. In May 1995, however, the treaty was extended indefinitely with surprising ease, and Indians who followed these issues were alarmed by the prospect of growing international support for an arms control treaty that targeted particular capacities. In India’s case, there was no opposition to a test ban per se, but the nuclear establishment strongly opposed any treaty that threatened the nuclear option. Its members knew that the 1974
test was not a success, and fresh tests were required to improve the old design and to experiment with new ones.\textsuperscript{105}

Since India had been the first ever state to propose a comprehensive test ban, the shifting Indian position was not taken very seriously by the Clinton administration. Its highest priority was non-proliferation and people saw India as a traditional supporter of a test ban.\textsuperscript{106}

In 1995 the NPT came up for its twenty-five year review. The United States, one of the principal proponents of the NPT regime, sought an 'unconditional and indefinite extension' of the Treaty. India, which had chosen to stay outside the NPT regime, decided not to participate in the proceedings in New York during April-May 1995 and did not even seek observer status.\textsuperscript{107} The Indian hope was that the U.S. would fail to cobble together a condition that would unconditionally and indefinitely extend the treaty. Such expectations and fears were believed as unassailable but relentless US diplomacy ensured the achievement of the US goal.\textsuperscript{108} After the Treaty was extended, only India, Pakistan, and Israel remained outside its scope. The US success came as a dramatic shock to the Indian security policy establishment, which now realized that India would come under quite pressure to sign the NPT or at least to agree to full-scale safeguards on its nuclear power plants, including those of the indigenous origin.

The extension of the NPT and the passage of the Brown Amendment, which led to a renewal of up to $368 million in US military assistance to Pakistan, inevitably provoked Indian security concerns.\textsuperscript{109}

The Brown Amendment allowed the provision of economic and some military assistance to Pakistan without any attached conditions. Despite vigorous opposition from senators committed to non-proliferation, the amended bill passed.\textsuperscript{110}
The Import of the Strengthened Review Process

All through the years of its existence, threats to the NPT have always been deemed to be arising from without from nations refusing to accept the treaty and its safeguards regime. Efforts have therefore, consistently been made to bring them into the NPT fold in order to ensure the universality of the treaty, these attempts were further intensified so that by 1995, 175 nations had joined the NPT. This was brought about by a judicious use of the “carrot and stick” policy by the NWS, and especially by the United States. They succeeded in ensuring the physical presence of enough countries that were willing to support the indefinite extension of the treaty.111

In return for their cooperation, the NNWSs were offered a few concessions, those that the NWS did not then attach much importance to. The most significant of these related to agreeing to the strengthening of the treaty review process by holding at least three Prepcoms in the last three years (viz April, 7-18, 1997 at New York, April 22 – May 8, 1998 in Geneva and the last in Washington on May 10, 1999)112 in the run up to every five yearly Revcom. The “intent” or at least, how it was perceived by the NNWS, was to transform the review into a more credible and meaningful process of accountability for the treaty’s implementation by all state parties, and for future review to encompass the full scope of the disarmament and non-proliferation agenda. The NWS did not then accord much significance to the possible implications of such a move. They had not bargained for the Prepcoms turning into mini review conferences in which their policies would be subject to scrutiny and criticism by NNWS. This has nevertheless; happened, resulting in the Prepcoms witnessing acrimonious debates exposing sharp division within the NPT parties. So much so that the NWS have now begin to put forth a narrow interpretation of the new review process by arguing that the Prepcom is not authorised to report on any thing except making procedural preparations and formulating draft recommendations for the forthcoming Revcom. The NNWS
are of course opposed to this interpretation demanding a much wider role for the Prepcoms.

The "strengthening review process" was structured around a general debate, and an examination of three "clusters" of the NPT, namely nuclear disarmament (including non-proliferation, nuclear weapon free zones and security assurances); safeguards; and peaceful uses of nuclear energy. The three Prepcoms held since 1995 have essentially adhered to this format. However, the objective behind the new review process is still not fully met. Rather the three Prepcoms have found themselves unable to arrive at any substantive report to be placed before the Revcom. In 2000, in the absence of the specific proposals before it, Revcom will have a difficult time living upto fulfilling its twin functions of carrying out an assessment of the operation of treaty in the five year period under review, as also establishing a set of goals to promote the implementation of the treaty over the next five years.113

It is not less important to mention here that the third Prepcom began on May 10, 1999, in the shadow of two major events that were deemed to have adversely impacted on the international security environment. These were: reaffirmation by the North Atlantic Treaty Organisation (NATO) as mentioned earlier of its commitment to nuclear sharing and first use; and the continued NATO bombing of Yugoslavia, despite protests from China, Russia and a host of other NNWS. In fact, the meeting began with the participants observing token silence as a mark of respect for those killed in the "mistaken" bombing of the Chinese Embassy in Belgrade.114

The sinister designs of NATO arrangements and practices were now realised by most of the signatories of NPT. It would not be a surprise to say that N. Korea's withdrawal from NPT on 10 Jan., 2003115 is an utmost setback to the treaty. In 1995 itself, Mexico had questioned NATO's arrangements for American weapons to be stationed in Europe. At the 1997 Prepcom, South Africa had raised concerns about the "non proliferation implications" of
NATO’s planned expansion.\textsuperscript{116} By the 1998 Prepcom, however the NAM had put its act together to be able to put forth a collective statement opposing nuclear sharing for military purposes under any kind of security arrangements.

The three Prepcoms held until now to ensure smooth sailing for the 2000 Revcom ran into rough weather themselves, exposing fault lines on a number of issues. Egypt, a frontline NAM state, put forth a proposal in a strongly worded statement that recommended that the Prepcom should adopt an interpretation of the treaty that would outlaw current NATO practices and possible future European Union Nuclear Weapon Cooperation.

The NAM members have expressed their dissatisfaction at the present pace of progress and sought well-delineated comprehensive steps towards an eventual abolition of nuclear weapons. Some other states including traditional allies of some of the NWS too have put forth practical proposals.

**INDIA and the CTBT**

In the history of state’s efforts at amassing military power, the period beginning with 1945 is unique because of the advent of nuclear weapons. Whether one likes it or not, possession of nuclear weapons by a state has been the most probable sign that it is militarily powerful. It is not an accident that all the five permanent members of the UN Security Council are all nuclear haves. Utility or desirability of nuclear weapons in war has been widely debated.\textsuperscript{117} But the incontrovertible fact remains that those states which have nuclear weapons are bent upon keeping them. Reductions in the number of bombs or missiles by way of SALT, START or INF treaties between the USA and the erstwhile USSR have nothing to do with nuclear disarmament, Basically they have been economy measures of course, they have as well been intended to convey right kind of diplomatic noises.

Likewise, the provisions for guarantee by nuclear powers to nuclear havenots under the nuclear Non-Proliferation Treaty of 1968 was thoroughly meaningless. It suffices to say that during those heydays of the cold war it was
impossible to implement any system of guarantee outside the U.S. and inside the UN, the Security Council itself was paralyzed by the cold war divide. In fact, the Security Council resolution 255 of June 19, 1968, did not really contain any additional commitment on the part of the permanent members.

History so far has witnessed two simultaneous and parallel developments; development of new weapons as a concomitant to the ceaseless struggle between states for survival and aggrandizement and efforts at arms control and/or disarmament for a variety of reasons (as steps to part with dispensable weapons, economy measures or as peace postures). Though these two parallel developments ostensibly seem to be mutually contradictory, in reality they are not. The declared formal goals of any arms control disarmament conference concerned states engage in one-upmanship. That is, a state strives, by a way of arms control measures, to improve its power position vis-à-vis other states. Such dichotomy between official goals of an international conference intended for arms control and the actual goal of participating states has its parallels elsewhere as well.

It is in the light of the aforesaid that we can view the PTBT and the NPT, which, not accidentally, are the worthy predecessors of the CTBT. During the 1950s the super-powers made a large number of nuclear and thermo-nuclear tests in the atmosphere and found that the resulting levels of radio-activity not only far surpassed their calculations but also caused unacceptably high political fallouts. As a result UK, Japan and India called for suspension of testing and Nehru also spoke for "standstill agreement".

Exactly similar motives also prompted the 1968 NPT. Hammered into shape by the super powers as a collaborative venture in 1968, the NPT has, despite its obvious inadequacies, been extended indefinitely and unconditionally by way of 1995 Geneva Review Conference.

Though there are, effectively, 181 states, parties to the NPT India has not yet signed the NPT for its starkly discriminatory nature as mentioned
earlier in this chapter. In this sense, correlation between the PTBT and NPT cannot be missed. After all, the real intent behind the NPT was to retain the monopoly of the nuclear haves intact by disarming the unarmed. And the same dynamics that prompted these two treaties have their imprint on the 1996 CTBT as well.\textsuperscript{121}

India has been consistent in its commitment to the elimination of weapons of mass destruction and to global nuclear disarmament on a universal and non-discriminatory basis. At the same time, India’s legitimate national security requirements cannot be overlooked, especially in view of the developments in this region. In this context, as a non-aligned country, India has always maintained that it would not be a party to any discriminatory non-proliferation system.\textsuperscript{122}

The United Nations seized the initiative to highlight the dangers from atmospheric nuclear tests, with a proposal from the Indian prime minister Jawaharlal Nehru on April 8, 1954, requesting the nuclear weapon states to negotiate: “Some sort of what may be called ‘Standstill Agreement’ in respect at least, of these actual explosions, even if arrangements about the discontinuance of production and stockpiling must await more substantial agreements among those principally concerned”.\textsuperscript{123}

The UN General Assembly adopted on December 9, 1982 a Soviet draft resolution with a draft treaty on comprehensive test ban and an annexe to it by one hundred and fifteen votes to five (Australia, China, France, UK, US) with twenty five abstentions, as resolution 37/85, appealing to all nuclear weapon states to conclude a comprehensive test ban treaty and stop all nuclear tests until the draft treaty referred to verification by a “combination of national and international measures” carried through national means as well as within the UN framework in accordance with UN Charter. The reports submitted in 1982 by the adhoc group of Scientific Experts to consider international
cooperative measures to detect and identify seismic events, gave some hope for efficiency and reliability in improved verification techniques.\textsuperscript{124}

In 1982, renewed efforts for a comprehensive test ban were vigorously pursued. In 1983, the Committee on Disarmament and later in 1984, the Conference on Disarmament (CD) continued its work on CTBT. The United Nations General Assembly adopted 3 separate resolutions (39/52, 39/53, 39/60) in 1984. Resolution (39/52) introduced by the non-aligned and neutral countries appealed to the members of the CD to initiate immediately multilateral negotiations on CTBT. Resolution 39/53 introduced by western powers reaffirmed its conviction that a treaty was urgent and requested the CD to resume work on CTBT, to establish an international seismic monitoring network and also to investigate other measures to monitor and verify compliance with such a plan. Resolution 39/60 introduced by the socialist countries urged the CD to proceed promptly with the negotiations and work out the details of multilateral treaty.

On August 10, 1993 the CD decided to give its mandate to its Adhoc Committee on Nuclear Test Ban to begin multilateral negotiations on CTBT. The G-21 of non-aligned states proposed in December 1993 that the CD should try to achieve a final test of the treaty before the NPT Review and Extension Conference in May 1995. The US, Russia, Australia and other states encouraged the idea.

The US co-sponsored by India introduced a resolution on CTBT in the UN General Assembly session in 1993. The resolution for the first time received universal support in the UN in 1993.\textsuperscript{125} But CD failed to submit the text of the CTBT to the NPT Extension Conference. A rolling text of the treaty was under preparation. Differences on the scope, verification, institutions and other expected items of the treaty were being narrowed. It is significant that the US since August 1994 sought a CTBT "to end all nuclear explosions, without thresholds and exceptions".\textsuperscript{126} G-21 group of states (including India &
Pakistan) agreed that the treaty should define in general terms the prohibition of nuclear tests in all environments and forever.

By 7 September 1994, a rolling text (heavily bracketed draft treaty) was ready and the Adhoc Committee on Nuclear Test Ban attached text to the report of the CD. The rolling text consisted of two parts: Part I comprised draft treaty provisions which commanded a certain degree of consensus: Part II contained provisions, which needed more extensive negotiations. The two working groups of the Adhoc Committee are working on verification and on legal and institutional affairs.

While most of the states wanted a general prohibition of all nuclear explosions in all environments, France and UK insisted on continuing nuclear tests in exceptional circumstances, even after the conclusion of the CTBT. China wanted PNEs to be exempted from the purview of the CTBT.

India, as already mentioned, has been an ardent advocate of cessation of the arms race and of a nuclear weapons free world. Since mid 1950s, she has also been one of the states feeling the need for a comprehensive nuclear test ban regime. On the occasion of inaugurating India’s first research reactor ‘Apsara’ at Trombay, on Jan. 20, 1957. Nehru said, “No man can prophesy the future. But I should like to say on behalf of my government and I think I can say with some assurance on behalf of any future government of India that whatever might happen, whatever the circumstances, we shall never use this atomic energy for evil purposes”. There is no condition attached to this assurance, because once a condition is attached the value of such an assurance does not go very far.

Following two years of extensive negotiations on 24th September, 1996 the Comprehensive Test Ban Treaty (CTBT), as adopted by the UN General Assembly was thrown open for signatures, despite India’s strong opposition and its efforts to modify the treaty text. Yet, on August 19, 1996,
India vetoed the draft text of the CTBT for it “did not serve the purpose of promoting the realization of universal disarmament goals”.\(^{130}\)

India is of the view that the draft treaty perpetuated the hold of the nuclear weapon states without adequate responsibility in nuclear disarmament. As a result, on August 19, 1996, the 60 member CD\(^{131}\) could not recommend to the UN General Assembly any text for adoption. According to Warren Christopher, the then US secretary of state, “the one country that is presenting a problem is India, a threshold state”.\(^{132}\)

For the USA, India’s insistence on any time frame for nuclear disarmament was “impractical” and that for the US policymakers, the CTBT and nuclear disarmament were two separate issues.

Any way, India stuck to her guns and refused to endorse the CD text. And as a novel way to circumvent India’s veto, the CD text was hijacked by Australia\(^{133}\) and placed before UN General Assembly as a joint proposal of Australia and other states.\(^{134}\) On September 9, 1996 the UN General Assembly adopted the Australian proposal, essentially the same draft treaty placed before the CD by its Chairman Jaap Ramakar of the Netherlands on June 28, 1996.\(^{135}\) by a vote of 158 to 3, with 5 abstentions. India, Bhutan and Libya voted against while Lebanon, Syria, Mauritius, Tanzania and Cuba abstained.\(^{136}\) Pakistan voted in favour but made it clear that she would sign the CTBT only if it is “universal”, meaning if India also becomes a party to it.\(^{137}\)

**Debate within India over CTBT**

Unsurprisingly, the debate within India over the CTBT was framed by the Indian pro-bomb lobby in such a way that opposing the CTBT was taken to be a low for Indian autonomy and a blow against American hegemonism. The anti CTBT position thus encompassed right wing and conservative militants, a traditional left wing anti-American faction, and advocates of non-alignment. The latter two groups included many who did not want a bomb but who thought that opposing the CTBT was vital to protecting Indian security.
interests. The defining momentum in the Indian debate came on June 20, 1996, when the United Front government authorised Arundhati Ghosh to publicly state in the Geneva negotiations over the CTBT that as far as India was concerned, "security" interests were a consideration and would be compromised by signing the treaty. This was a rare moment of condor, but it came too late to affect the treaty's end game. The major nuclear weapons states had worked out a number of compromises among themselves, and there was no interest in accommodating India.

During the fourth phase of the Indian nuclear debate, positions against the west, especially the United States, hardened, and led to new alliances and partnerships in the Indian strategic community. Anti American groups joined with antinuclear groups in opposing the CTBT. The latter included those who wanted to abolish all nuclear weapons and those who saw an Indian weapon or at least an option as useful in pressuring the west to come up with a serious comprehensive disarmament programme. They joined the bomb lobby, which increased in number and outspokenness after 1990 and the security specialists, who saw the need to retain the capability of moving beyond the simple first generation weapon that India be assumed to have designed. The CTBT debate had succeeded in doing what thirty years of insecurity and uncertainty had not, it united Indian opinion against a treaty, that, India had originally proposed. Yet this was a negative consensus, there was still no support for an Indian nuclear weapon. Most Indians who opposed the CTBT were not in favour of either a declaration of nuclear weapons status or nuclear testing.

India's Peace Initiative and CTBT

Among the earliest initiatives taken by India's first prime minister, Jawaharlal Nehru, was the development of science and inculcation of the scientific spirit. It is this initiative that laid the foundations for achievements of 1974 and 1998. Disarmament, nonetheless, continues to be a major plank of
Indian foreign policy now as it was earlier. It was, in essence, and remains still, the natural course for a country that achieved independence through a unique struggle on the basis of *ahimsa* and *satyagraha*.

The moral tone set by Gandhi and Nehru has largely directed the India posture on nuclear disarmament for a good part of India’s independent history. From the 1950s\(^{140}\), when Nehru pioneered proposals for world wide nuclear disarmament, (Including the ideas of the nuclear test ban treaty and a freeze on the production of fissile materials), to the 1982 “programme of action on disarmament” and later, the 1988 Rajiv Gandhi Action Plan including 1985 Delhi Declaration ushering in a nuclear weapon free and non violent world order, and then the 1993 resolution for securing an early global ban on production of fissile material, India’s official nuclear policy has remained guided by the desire to attain a state of universal nuclear disarmament.\(^{141}\)

In September 1994, Prime Minister Narasimha Rao and USSR President Boris Yeltsin issued a joint declaration in Moscow reiterating their commitment to all measures aimed at the complete and universal elimination of weapons of mass destruction.\(^{142}\)

At the Cartegena non-aligned summit in November 1995 and at the 50\(^{th}\) session of the UN General Assembly, India along with like minded countries proposed the immediate commencement of negotiations leading to the elimination of nuclear weapons within a fixed time frame, and moved a resolution to this effect. Following the adoption of this resolution in UNGA, India has been working in the 1996 session of the CD, towards the immediate setting up of an ad-hoc committee on nuclear disarmament for the initiation of these negotiations.\(^{143}\) Landmark event took place in the field of nuclear disarmament in the shape of CTBT at the United Nations in New York, when the representatives of seventy one states signed the CTBT, adopted just two weeks earlier by an overwhelming majority in UNGA. All five nuclear weapon states were represented. President Clinton of the USA had the honour to sign
the CTBT with the same pen when PTBT was signed by the then President of USA. The foreign ministers of other four nuclear weapon states and prime minister Ryutaro Hashimoto of Japan were among the first to sign the Treaty. In Contrast to the very concise PTBT, which consists of only five articles and has no verification regime, the CTBT is voluminous consisting of 17 articles with 170 paragraphs, two annexes to the treaty, a protocol and two annexes to the protocol.

The CTBT was a major international arms control arrangement which was formulated during the 1974 to May 1998 period and it was finalized in 1996. This agreement avoided the problem of political discrimination of the NPT but raised the issue of technical discrimination. In her statement to the plenary session of CD on June 20, 1996, Ms. Arundhati Ghosh, the Indian representative stated: “The CTBT that we see emerging appears to be shaped more by the technological preferences of the nuclear weapon states rather than the imperatives of nuclear disarmament. This was not the CTBT that India envisaged in 1954. This cannot be the CTBT that India can be expected to accept”. It was also highlighted that India’s national security was adversely affected by the prospect the same privilege to others.

A permanent ban on testing of nuclear explosives except in laboratory conditions that had the effect of freezing the NNWS on the technological curve on the date the CTBT came into effect. For India, the harassment potential came from two directions, (a) if India continued its refusal to accept this treaty, then an international conference was expected to formulate measures against the ‘rogue’ nation(s) because India’s adherence was required by the CTBT’s ‘Entry into Force Clause’; (b) even if India signed on, it was inevitable, in the aftermath of the Iraqi experience with the UNSCOM, that International inspectors and spies would descend on Indian military and scientific establishments to verify Indian compliance with CTBT obligations. Those who have made a career of arms control and international inspections are expected
to promote their personal and institutional interests, they are not expected to close the file and legislate themselves and their constituents out of existence. This is elementary bureaucratic politics. One should think of international arms control organizations as employed agencies – with a long shelf life like the deadly plutonium.\textsuperscript{148}

\textbf{Grounds of Indian Opposition to the CTBT}

India had three main objections to the treaty besides other minor ones. First, the Indians insisted that they would accede to treaty only if the nuclear weapon states agreed to time bound plan for universal nuclear disarmament. For the most part, this position was little more than a ploy; Indian policy makers knew only too well that none of the nuclear weapon states would agree to this proposition. Consequently, the inevitable failure to include such a time bound objective would give India the option to remain outside the treaty. The second objection stemmed from the demand of some states that the treaty could come into force only after 44 countries that had ongoing nuclear research and power facilities ratified the treaty. Again, although the argument against the “Entry into Force Clause” was questioned on the grounds of fairness, India’s interest in challenging the clause was purely pragmatic. As a state with an ongoing but largely untested nuclear weapons programme India would come under enormous pressure to accede to the CTBT.\textsuperscript{149}

The final Indian objection was more substantive.\textsuperscript{150} It dealt with the treaty’s allowance of computer simulation of nuclear tests and hydro-nuclear tests. In Indian view, the failure to close these two technological loopholes undermine the larger goal of taking steps towards the elimination of nuclear weapons. In the end, India unsuccessfully attempted to block the reporting of the treaty from the UNDC to the General Assembly in New York.\textsuperscript{151} Its efforts to modify the treaty text or to prevent its adoption by the General Assembly also proved fruitless.
Two factors explain the Indian shift from support to rejection of the CTBT. At one level, as has already been discussed, the Indians were acutely concerned about the “Entry into Force Clause” and the likely effects of this upon the Indian nuclear weapons programme. The other concern not surprisingly, had to do with the spate of Chinese nuclear tests just prior to China’s accession to the CTBT. The Indian strategic community correctly inferred that the Chinese were willing to accede to the treaty only because they had reached such a level of competence in their weapons developments that they felt no need to test further.\textsuperscript{152}

The entry into force of the CTBT appears to be priority issue in involving India in the arms control process. But even at the end of nearly three years, only 17 countries out of stipulated 44 (whose satisfaction is a precondition to the Entry into Force) have ratified the CTBT so far. The key weapon states, the USA, Russia and China have not ratified it.\textsuperscript{153} In the USA, the process of ratification has not even started. The plethora of information that has recently emerged into public domain regarding transfer of data on US nuclear weapons to China, the Cox Report, reports of millions of computer codes\textsuperscript{154} transferred to China during 1994-95 from the premier US nuclear weapons laboratory raise many questions. The data especially the “legacy codes” that have been transferred to China are believed to provide complete information on design of sophisticated US nuclear weapons and the data will be invaluable for computer simulations for new warhead designs. These reports raise many issues for the CTBT, the implications of which have yet to be adequately assessed.

The certainty remind of the Indian concerns regarding the CTBT’S inability to stop transfer of validated nuclear weapon designs to other countries like it happened in the case of design transfer from China to Pakistan. It is premature, therefore, to expect India to sign the treaty at this stage.\textsuperscript{155}
Based on an extensive national consensus, India had refused to sign the CTBT in 1996. The basic reasons for that step have not altered and hence will necessitate give and take on both sides (the international community and India) even though India may now feel more self-assured in meeting its future security challenges. It has already declared a moratorium on testing and the prime minister had stated at the UN General Assembly in September 1998 that it would not come in the way of the treaty entering into force in September 1999. This however, must be read in the context of the complete statement in this regard that:

"... having harmonized its national imperatives and security obligations and desirous of continuing to co-operate with the international community, is now engaged in discussions with key interlocutors on a range of issues, including the CTBT. We are prepared to bring these discussions to successful conclusion, so that the 'Entry into Force' of the CTBT is not delayed beyond September 1999. We expect that other countries, as indicated in Article XIV of the CTBT, will adhere to this Treaty without conditions". 156

It is interesting to note that a non-signatory state like India (having nuclear capability since 1974) has followed the NPT clauses of non-transfer of nuclear technology while China a declared nuclear weapons state – has passed on both nuclear and missile technology to other countries. 157 Though at the end, the non proliferation regime did not hold. The "regime" phrase was always likely to be misleading, suggesting dictation by some leading countries, dictating to others who were reluctant. If nuclear proliferation can be contained, "... this will emerge by the self-interested policies of a great many countries that are indeed physically capable of producing nuclear weapons". 158 Indeed, force may not work as far as arms control is concerned. This became evident once again in the CTBT negotiations.

India, a party to the Partial (nuclear) Test Ban Treaty, 1963, co-sponsored the resolutions in the United Nations General Assembly favouring
both comprehensive nuclear test ban and fissile material cut-off treaty. It is doubtful that she was truly aware of the implication at the time. Subsequently, it became a public knowledge that simulation tests with the help of computers might improve weapons capability and physical tests for collection of data were no longer necessary. The US negotiated with the other NWS and orchestrated a move for comprehensive nuclear test ban. During the course of negotiations India suggested that the NWS should commit themselves to a definite time frame for a total abolition of nuclear weapons. Such an assurance was not forthcoming. NPT sought to perpetuate the dominance of a few over the rest; the CTBT was an attempt to guarantee the dominance.

The Indian ambassador to the Disarmament Conference in Geneva, Arundhati Ghosh had several major concerns. These became the basis of India’s rejection of the CTBT in Geneva and the subsequent blockage of a consensus agreement in Geneva. Her concerns are shared by many practitioners and, therefore, should be spelled out, as follows.\(^\text{159}\) (i) The CTBT’s basic parameters and orientation are outlined in Article 1. It is tied to the maintenance of the nuclear weapon status of the P-5 powers. This Article reveals a permanent legal linkup between the provisions and philosophy of the NPT and the CTBT. Article 1 of the CTBT is the bridge between the two international treaties, which solidifies the nuclear weapon status of the P-5. The treaty has a structure of impressibility, i.e. all nuclear tests are banned but it also has a structure of permissibility, i.e., non-explosive tests, laser tests, and exchange of technical data by the P-5 nuclear powers and among themselves. The NPT is politically discriminatory because it created a legal distinction between nuclear weapon states and non-nuclear ones. The CTBT avoids this problem. But still, it creates an opportunity for technological discrimination in the sense that the permissible activity in Article 1 of CTBT favours the technologically advanced nuclear powers of which the US is the leader. The CTBT would freeze the US’s technological edge over all other P-5 nuclear powers, as well as India, Pakistan and Israel. For India, the issue does not
concern the technological gap between India vis-à-vis the US, France, the UK and Russia. The concern is about the effect of the technological gap between China and India once the CTBT comes into effect, given the uncertainty about the nature of PRC’s strategic intentions and capabilities in the 2000-2010/2020 time frame when PRC’s military modernization scheduled to be completed. The question for India is both scientific and military.

(ii) The CTBT’s international monitoring system is meant to catch tests over 1 kiloton capability. Zero to one kiloton clandestine testing is supposedly filtered by national means, e.g. by satellites. Does India possess such national means or would it have to depend on the US suppose the PRC or Pakistan tested in the 0-1 kt range? What is the guarantee about the timeliness, the quality and the scope of US intelligence input to India in a moment of crisis? This is serious and practical question for India, who is not a US ally, and there are no formal intergovernmental intelligence sharing arrangements. This question is relevant because Japan, a US ally, has had doubts about the timeliness, quality and scope of US intelligence input to Japan when N. Korea sent its missiles over Japan in August 1998. Following this episode, Japan was determined to enhance its national intelligence acquisition capability vis-à-vis N. Korea.\footnote{160}

(iii) The CTBT has built in potential of harassment of a non P-5 power. The experience of UNSCOM inspections of Iraq shows how even intrusive and prolonged international inspections are inconclusive, how an international agency can become a vehicle for spying by a major power (in this case, the USA) and how a UN mandated inspection activity can become a cover for both spying and harassment, without any prospect of closure. Imagine, Richard Butler making daily pronouncements that India is hiding something and he terms his evidence (based on US and other national means) that India is doing something in apparent violation of CTBT rules. The Iraqi experience is a chilling reminder of the harassment potential of an international treaty where sensitive national strategic interests and sensitivities are involved. The CTBT
has an intrusive on-site inspection system and it is quite likely that the P-5 powers will harass the non P-5 ones because the P-5 states have a common interest to check the non P-5 states. As permanent members of the UN Security Council, the P-5 states enjoy the veto and they possess nuclear weapons, they themselves cannot be harassed against their will.¹⁶¹

(iv) Article 14 of the CTBT concerns the requirements for the Entry into Force (EIF). The EIF clause requires that 44 states including all P-5 nuclear powers, as well as Israel, India and Pakistan must sign the treaty before it comes into force. The UK, Russia, China, Egypt, and Pakistan insisted on EIF. Russia, would not agree to the CTBT unless the PRC did, and the PRC would not agree until India did, and so on. The US military did not insist on this particular formula for EIF, but it faced a dilemma and it agreed eventually with the formula as it was finally adopted.

These four major objections indicate that the critics of the treaty see it as a way to co-opt India into the non-proliferation regime. It is a control mechanism for those who are not members of the NPT. Indian critics of the CTBT, including ambassador A Ghosh and Indian prime minister I.K. Gujral, saw it as a way to corner India because Israel and Pakistan enjoy US and PRC strategic protection, respectively, and only India was exposed. Hence, India's hardened stance against the treaty during 1995-96 and the eventual refusal to agree to the consensus at the Disarmament Conference in Geneva in June 1996.¹⁶²

Praful Bidwai and Achin Vanaik have found five main lines of criticism of the CTBT, in the Indian debate. (1) The CTBT was not linked to a time bound schedule for global nuclear disarmament as it should if it is to be acceptable (ii) The CTBT is discriminatory in character (iii) The CTBT is decisively flawed and rendered effectively worthless at least for the US and perhaps France and possibly for Britain, China, and Russia. This is because, in its present form, it allows sub critical testing, does not prevent advances in
computer simulation techniques that will setup a ‘vital testing regime’ or informational test ground and allows research and development of direct fusion weapons to continue through such institutions as the planned National Integrity Facility in the US and the laser Mega Joule Facility in France (iv) The CTBT is another building block, after the NPT, in the perpetuation and strengthening of ‘nuclear hegemony’ practiced by the nuclear haves against the nuclear havenots led above all by the US (v) specific criticism of some provisions of the CTBT, most notably Article XIV.163

Though the analysts refuted all the lines of criticism and argued for unilateral Indian nuclear disarmament. Bidwai and the American disarmament lobby in India was vocal but it was isolated from the mainstream lobby in Indian intelligencia and the press.164 The unilateralists like Bidwai and Kanti Bajpai could not make their case in India because their advocacy was not connected in an analytical way with the history of Indian security dilemmas.165

**Consequences of the 1998 Nuclear Test**

On May 11 and 13, 1998 India conducted two sets of nuclear tests at the Pokhran test site.166 The Indian prime minister Atal Behari Vajpayee, proclaimed that, “India was a nuclear weapon state”. The tests included a fission device, a thermonuclear device and a low-yield device. Two days later, New Delhi declared that it had conducted two more tests, both alleged to have sub-kiloton yields. At a press conference on May 17, Rajagopala Chidambaran, Secretary of India’s Department of Atomic Energy Commission, announced the yields of the first tests, as 12, 43 and 0.2 kilotons respectively. A.P.J. Abdul Kalam then, science advisor to the prime minister, claimed that these tests were critical for the authentication of India nuclear capability and its prospective modernization. He also said that the data from the tests could be used for ‘subcritical tests’.

The Indian tests were followed by Pakistani tests on May 28 and 30, 1998. These took place in the Chagai Hills region. The yields of the tests on
May 28 were stated to be, as claimed by Dr. A.Q. Khan, in the 30-35 kiloton range for one test and the other four were stated to be smaller yields suitable for tactical weapons.\textsuperscript{167} The test on May 30 was in the 15 to 18 kilotons range according to the spokesman for the Pakistani Atomic Energy Commission.\textsuperscript{168}

These developments had a profound impact on the strategic template of South Asia. Consequently the various components of the US domestic structure, like the congress, the administration and various civil society groups geared-up to review US-South Asia policy. The general view was that South Asia had moved one step forward towards a new destabilizing arms race. In particular, India and Pakistan seemed to have become enmeshed in an action-reaction pattern. The congress, in both the houses, recorded its condemnation of the developments in South Asia. The U.S. administration voiced similar concerns regarding the arms race in South Asia.\textsuperscript{169} More importantly the White House slapped economic sanctions on South Asia while urging nuclear restraint.\textsuperscript{170}

As is evident from Congressional hearings and reports as well as the writings of the US analysts, the 1998 nuclear tests were seen as a threat to the global norm set 30 years ago with the signing of the NPT. From the US perspective, unless the violators of the Treaty are shown to suffer serious consequences, the norm will become a "paper tiger".\textsuperscript{171} 185 countries now observe this norm, including 10 that once possessed nuclear weapons or even had nuclear weapons programmes, including Argentina, Brazil and South Africa.\textsuperscript{172} South Asia was seen as having acquired an overt nuclear capability and a missile capability as well. India was regarded as having instigated the assault on the NPT. Pakistan's moves were, by and large seen as contingent on India's moves.\textsuperscript{173}

The US government, especially congress and the Clinton Administration, debated the post - 1998 South Asian crisis extensively.\textsuperscript{174} A renewed debate occurred within congress on the CTBT. The proponents of the
CTBT argued that the nuclear detonations in India and Pakistan made it all the more important than ever the United States should lead the world to defuse the proliferation of weapons of mass destruction, and they urged Senate ratification.

The instruments advocated were, first signing the CTBT, while refraining from further nuclear weapons testing. Second, to sign FMCT and freeze the production of fissile material. Third the report, advocated, a willingness to participate in a broad based moratorium on producing fissile material. Fourth, not to transfer nuclear or missile technology or equipment to any third party and to abide by missile technology control regime (MTCR) guidelines. Finally, it was also suggested that India and Pakistan not deploy missiles with nuclear warheads or aircraft with nuclear bombs.\textsuperscript{175}

**Indian Justification for the Test**

The explosions in 1998 by India not only had powerful regional reverberations but also sent off shock waves throughout, much of the non-proliferation communities in the United States and elsewhere. The long held concern about the dangers of the growth of new nuclear-armed states beyond the original five was resurrected. Renewed fears were expressed that other nuclear aspirants would escalate their programs.\textsuperscript{176} These fears were heightened when India’s long-standing adversary, Pakistan followed suit on May 30, 1998.\textsuperscript{177}

India has successfully demonstrated its ability to explode a nuclear device in May 1974. To that extent, the five tests in 1998 only emphasized the continuity and growth of capability over the years. The tests were predictably strongly criticised by the international community, especially by the Nuclear Weapon States and their military allies protested by nuclear weapons even if not legally nuclear.\textsuperscript{178}
Jasjit Singh, considered to be an expert in the field, put the central factors that pushed India towards overt nuclear weapons deterrence can be summarised broadly under seven heads (not necessarily in that order).^179

(a) Historically, India has had to formulate its nuclear policy in the context of those of the nuclear weapon states with China as a central factor. India’s policy from the beginning has had to cater for a fundamental competition with China, which undoubtedly possesses, by far the biggest strategic challenge. The basic points that comply with the first factor are:

(i) China’s aggression in 1962.

(ii) Territorial dispute, China occupies, 48,000 sq.kms of Indian Territory and claims another 94,000 sq.km.

(iii) The continuing inability of China to resolve the internal tensions related to Tibet and Xanjiang (on India’s border) creates its own potential problems.

(iv) Conventional and nuclear force modernization of China has been progressing at a fast pace.

(v) China’s position vis-à-vis India in Security Council. This power (economic, political and military) has been growing almost dramatically in the past two decades.

(vi) Transfer of nuclear/missile systems and technology besides conventional arms to other countries of South Asia particularly to Pakistan, which continued after China acceded to the NPT in 1992, has been a source of serious concern for India.

(vii) Over 96 per cent of China’s nuclear forces and ballistic missiles have relevance only for its immediate neighbours.

(b) Enhanced Nuclear Proliferation includes the following:
(i) N. Koera pursued a clandestine nuclear programme in violation of its treaty obligations and was seen to be rewarded with nuclear power reactors. Iran is suspected by the west of pursuing a nuclear weapons programme in spite of its NPT commitments. Saudi Arabia was also reportedly pursuing nuclear ambitions at one time.

(ii) China and France violated solemn assurances to exercise the "utmost restraint" in nuclear testing to validate plans for new warheads. China, in fact, was cynical in carrying out a nuclear test within hours of giving this assurance (at the NPT Extension Conference), while France regressed from it earlier.

(iii) Nuclear delivery systems, especially ballistic missiles, have been transferred by China and N. Korea to Pakistan, Saudi Arabia and Iran.


(v) China is the principal supplier of weapons of mass destruction and missile technology to the world, and US government's efforts to turn Beijing against international proliferation have met with little success.

(vi) Information has now emerged in the United States that design data with reared to all seven types of sophisticated US nuclear weapons has been transferred over the years to China through espionage.

(C) Eroding the process of disarmament is the permanent extension of NPT without firm commitment to disarmament by the NPT signatories:

(d) Dominant strategic doctrines: The dominant strategic doctrines of the major powers mostly started to re-emphasis the role and likely use of nuclear weapons even in non-nuclear situations.

(e) Post cold war international order: The post cold war strategic environment inevitably disturbed the earlier balance.
(f) Threat of nuclear option: The most critical impact of aggressive non-proliferation (and counter proliferation) without disarmament during the 1990s came to pose an extremely serious threat to India’s policy of keeping its nuclear option open.

(g) The CTBT deadline: The negotiated draft of CTBT not only violated the original mandate of the 1993 UN General Assembly but, failed to address India’s concerns. India therefore, indicated its unwillingness to sign the CTBT, but made it clear that it would not come in the way of the treaty coming into force.

Not only has nuclear disarmament seen in India as the only comprehensive and durable non-proliferation instrument but also nuclear disarmament has been a key strategic and security goal for it.

US analysts speculated on the motives of India’s nuclear ambitions soon after South Asia crossed the nuclear Rubicon in May 1998. India in particular pointed out its military security needs in relation to the build up by China as a factor. In addition China’s transfer of the M-11 missiles to Pakistan and Islamabad’s continuing support to Kashmiri insurgents\(^{180}\) were cited by India as the main hurdles and stumbling blocks in the path for a meaningful and lasting peace in South Asia.
References


3. Ibid.

4. Ibid., p.2.

5. Ibid., p.3.


23. ORGA, *op. cit.*, 798th meeting and annexes, Agenda item No. 70, Document A/c 1/820.


27. ORGA, 13th Session, Annexes, Agenda item 64, 70 and 72, Document A/c 1/L206.


30. ORGA, Sixteenth Session, Annexes, Agenda item 19, Document A/4980/Add. 1(A/c 1/L 297 and Add. 1-2) and *First Committee*, 1196th meeting.


33. _Ibid._, p. 194.


35. _Ibid._, p. 196.

36. _Ibid._, p. 199.


39. A radionuclide is a type of atom that exhibits radioactivity and can be monitored, Hydro acoustics is the use of quasi-continuous acoustical and optical measurements to monitor physical and biological entities under water.

40. See the Full text of CTBTO, on http://www.acda.gov/treaties/ctbt.treat. Html, also see Provisions of CTBT in the Appendix I.

41. Jean E. Krasno, _op.cit._, p. 205.

42. _Ibid._

43. _Ibid._


45. Jawaharlal Nehru’s Speech’s, Government of India Publications Divisions, Delhi, 1964, Vol. 5, p. 204.


47. UN General Assembly, 11th Session, 12 Nov.,1956, p. 572


56. GAOR (General Assembly Official Records), *First Committee Meeting*, 1567, 14 May, 1968, p. 12.


68. Resolutions passed in AICC Meeting held on 4th & 5th May, 1985, in Delhi, AICC Publications, pp. 19-20.


70. Madhusadan Mishra, *op. cit.*, p. 54.

71. Satish Kumar ed; *Yearbook on India's Foreign Policy, 1985-86*, Sage Publications, N. Delhi, 1988, p. 61.


77. Ibid.
80. Ibid.
84. Ibid.
88. Ibid., pp. 122-23.
91. Foreign Affairs Records, op cit., p. 117.
92. Ibid., p. 118.

95. Ibid.


98. ENDC/Pv. 298, 23 May, 1967, pp. 10-12.

99. Ibid.


102. Ibid.

103. Ibid., p. 43.


105. Ibid.

106. Ibid.


111. Major Sulakshan Mohan (Retd.), *India's Nuclear Leap*, Indian Publishers Distributors, Delhi, 2000, p. 150.


121. J. Dhanapala, Fulfilling the Promises of the NPT: The CTBT and Beyond; *Arms Control Today*, May/June, 1996, p. 4.


131. The CD has been working on the Text of CTBT Since January, 1994, The 38 member CD was expanded by another 23 members on June 17, 1996.


148. Ashok Kapur, *op. cit.*, p. 188.


