On July 1945, the United States detonated the world’s first nuclear explosive device at a test site near Alamogordo, New Mexico. Most understood that the United States could not base its security indefinitely on its monopoly of Atomic weapons. Eventually, other states would develop them and pose a threat to the United States, perhaps even to its survival as a nation.

In September 1945 Secretary of War Henry Stimson proposed to President Harry Truman that the United States should discuss the control and limitation of atomic weapons with the Soviet Union.\textsuperscript{100}

In March 1946 an interagency group met at Dumbarton Oaks in Washington D.C., to develop the first US Nuclear arms control proposal, a plan for comprehensive Nuclear disarmament.\textsuperscript{101} The major alternative to arms control was nuclear deterrence-peace through the threat of devastating nuclear retaliation deterrence had forceful advocating.


\textsuperscript{101} Ibid., p. 102.
When confronted with the difficult choice between nuclear arms control and nuclear weapon programs for deterrence, Truman set a precedent that other presidents would follow for decades; he chose both options. In mid 1946 Truman approved the Dumbarton Oaks arms control proposal and in early 1947 expressed shock when told how, few atom bombs the United States actually had.¹⁰²

Nuclear Arms Control proposal has been started to produce in 1946 when United States ambassador Barnard Baruch introduced the US arms control proposal at the first session of the UN Atomic Energy Commission, after that PTBT (Partial Test Ban Treaty), NPT (Nuclear Non-Proliferation Treaty), Sea-bed Treaty, CTBT (Comprehensive Test Ban Treaty) etc. would be produced.

The United States put forward the Baruch plan based on the 1946 Achison-Lilienthal Report, which is still the most far-reaching proposal in non-proliferation and nuclear disarmament ever made. The Baruch plan called for the ownership and control of all sensitive nuclear material and facilities by an ‘International Atomic Development Authority’ which would also closely monitor all less sensitive nuclear research activities. When such a control system had been established, all existing nuclear weapons – that is US atomic bombs – would be destroyed. In other words, the USA wished to maintain its nuclear monopoly until the global security system was in place.¹⁰³

The prospect of what might have become a protracted US monopoly did not appeal to the USSR, which was itself secretly engaged in an intense effort to acquire its own nuclear arsenal. The cold war was beginning and General Secretary Joseph Stalin may have feared that Washington would use its nuclear advantage as a means of

¹⁰² Forest E. Waller Jr., No. 1, p. 102.
¹⁰³ Harald Muller, David Fisher, Wolfgang Kotter, Nuclear Non-Proliferation and Global Order, Oxford University Press, New York, 1994, p. 15.
coercive diplomacy. Thus the USSR reversed the sequence of events proposed by the Baruch plan: destruction of existing weapons should come first, International control later. Faced by this impose, the UN AEC (Atomic Energy Commission) could make no progress.104

PTBT (Partial Test Ban Treaty)

In 1963 PTBT was a major step towards Nuclear Non-proliferation, which ended testing the USA, the UK and the USSR in the atmosphere and forbade it in outer space and in the sea. The PTBT concluded almost 10 years of efforts to bring about an end to testing, but without the desired result to terminate all nuclear tests.105

The valuable contribution of India, of Jawahar Lal Nehru in particular, in creating the ground-work and paving the way for the 1963 Treaty cannot be ignored. India was the first country to suggest the suspension of tests. Our continuous efforts in the rallying of world opinion in support of the suspension of harmful tests culminated in the adoption of the historic General Assembly Resolution 1762 (XVII) which condemned all nuclear weapons tests.106

In the initial years, India had to face many disappointments and, at times, Indian proposals were not given careful consideration by the major powers. Prime-Minister Nehru’s 1954 proposal on the suspension of tests was put in cold storage for years. His appeal to the leaders of the USA and the USSR, in regard to the cessation of tests was, likewise, cold shouldered by the powers concerned, the USA in particular.107

104 Ibid.
106 Ibid.
107 Ibid.
President Eisenhower in his reply to Nehru, stated that the cessation of tests could be undertaken only “as a part of meaningful program” to reduce the threat of nuclear war. After asserting that the tests were being conducted because they were considered “necessary for the development of defensive uses of nuclear weapons”, the US President observed that to stop the current American testing programme without an agreement on a nuclear weapons production “cut off” and on safeguards against surprise attack would increase rather than diminish the threat of aggression and war.\(^{108}\)

If in 1963 the USA, the UK and the USSR agreed to the cessation of nuclear weapons tests in the atmosphere, underwater and in outer space, it did not mean that the three powers thereby sacrificed their vital national security interests at the alter of world peace and nuclear disarmament or placed their security in any way, in jeopardy. It would, indeed, be a misconception or naivety to believe that. The real sacrifices in regard to the PTBT were indeed made by the non-nuclear weapon states, particularly those who had the capacity to become nuclear powers.\(^{109}\) In so far as atmospheric tests were on instrument in the nuclear build-up of the two super powers, they had enough of such tests. They had amassed such a large number of nuclear and thermo-nuclear bombs of warheads that they are often spoken of as possessing an over-kill capacity-destroying the human race many times over.

What the two powers really required was underground tests for miniaturizing their nuclear weapons, for improving and perfecting those weapons in such a way that the smaller but quite powerful nuclear warheads could be more conveniently mounted on their artillery.\(^{110}\)

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\(^{109}\) J.P. Jain, No. 6, p. 69.

NPT (Nuclear Non-proliferation Treaty)

The genesis of the NPT was found in separate American and Soviet proposals, which were made in a sub-committee of the Disarmament Commission in 1956-57. In 1958 the General Assembly discussed for the first time, the question of preventing the spread of nuclear weapons. In 1959, it adopted a resolution 1380 (XIV), which is recognised that the danger of an increase in the number of states possessing nuclear weapons and requested that the (then) Ten-Nation Disarmament Committee should consider means of averting this danger, including the feasibility of an international agreement, subject to inspection and control whereby the power producing nuclear weapons would refrain from handling over the control of such weapons to any nation and possessing them and whereby the powers not possessing such weapons would refrain from manufacturing them.

The People’s Republic of China had detonated its first fission device in the fall of 1964 at Lop Nor. This breakthrough was a cause of great concern both within the general assembly and in the Eighteen Nations Disarmament Committee (ENDC).

On 17 August 1965 the United States introduced in the ENDC a draft treaty to prevent the spread of Nuclear Weapons. The draft treaty would: - prohibit nuclear

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113 Shyam Kumar, No. 12, p. 19.

powers from transferring nuclear weapons into the national control of any non-nuclear state, either directly or indirectly through a military alliance;

- Prohibit nuclear powers from taking any other action which would cause on increase in the total number of states and other organisations having independent power to use nuclear weapons; and

- Prohibit nuclear powers from assisting any non-nuclear state in the manufacture of nuclear weapons.

Under the draft, non-nuclear states would undertake corresponding obligations not to manufacture nuclear weapons and not to seek, receive or give assistance in the manufacture of these weapons, not to seek or receive the transfer of such weapons into their national control, either directly or indirectly through a military alliance and not to take any other action resulting in an increase of the total number of states and other organisations having independent power to use nuclear weapons.

India proposed the conclusion of a two-stage non-proliferation agreement.\textsuperscript{115} The first stage (or a partial non-proliferation agreement) would apply only to nuclear powers who would undertake, under a formula acceptable to the two power-blocs: not to pass an weapons or technology to other states, to cease all production of nuclear weapons and delivery vehicles and to agree on the beginning of a programme of reduction of their stocks, and to agree also to incorporate other measures.

Once the treaty comes into force steps would then be taken by nuclear powers to stop all production and to embark on reduction of stocks. The second stage

\textsuperscript{115} Ibid., p. 273.
of treaty (or the comprehensive treaty) would begin which provide for an undertaking by non-nuclear powers not to acquire or manufacture nuclear weapons.\textsuperscript{116}

On 24 August 1967, identical but separate and still incomplete drafts of a non-proliferation treaty were submitted by USA and USSR.\textsuperscript{117} By the preamble of the new identical drafts, the parties to the treaty would, among other things, affirm the principle that the potential benefits from any peaceful application of nuclear technology, including nuclear explosive devices, would be available to non-nuclear weapons states on a non-discriminatory basis. They also declared their intention to achieve at the earliest possible date the cessation of the nuclear arms race and expressed their desire to facilitate the cessation of production of nuclear weapons and delivery vehicles, pursuant to a treaty on a general and complete disarmament under strict and effective international control.

Several members of the ENDC (Eighteen Nations Disarmament Committee) submitted amendments or additions to the draft treaty. India continued to express over-all objection that the treaty must not only prevent “horizontal proliferation”, i.e. the acquisition of nuclear weapons by non-nuclear weapons states, but also “vertical proliferation” i.e. the further expansion of existing stocks and the development of new nuclear weapons. It also advanced specific requests about the security assurances for non-nuclear weapons states to develop their own peaceful nuclear devices.\textsuperscript{118}

On 11\textsuperscript{th} March 1968 the USSR and USA presented a joint draft treaty which incorporated some of the further suggestions made in the course of the ENDC session.

\textsuperscript{116} \textit{Ibid.}

\textsuperscript{117} Shyam Kumar, No. 12, p. 29.

by the non-nuclear weapon states. This draft treaty was submitted to the General Assembly as part of the committee report on 14 March 1968.\textsuperscript{119}

On 12 June 1968, the General Assembly adopted the forty eight powers draft resolution as resolution 2373 (XXII) by 95 votes to 4, with abstentions. Following the approval of the resolution 2373 (XXII) by the General Assembly, the Nuclear powers – USA, UK, USSR – submitted their resolution on security assurances in the Security Council.\textsuperscript{120}

The USSR and the USA deposited their instrument of ratification on 5\textsuperscript{th} March 1970. On the same day instruments of ratification were deposited by sufficient member of other states to bring the number of more than the required forty. The treaty thus entered into force on 5\textsuperscript{th} March 1970.\textsuperscript{121}

The NPT divided countries into two groups: the five states that had already tested nuclear weapons (the United States, the Soviet Union, Britain, France and China), and the rest of the world that had not yet deployed these weapons. The basic concept underlying the NPT involved a bargain in which non-nuclear weapon states that agreed to give up their right to possess nuclear weapons would receive security guarantees against nuclear attack and access to peaceful nuclear technology for the production of energy, pharmaceuticals and other civilian products.\textsuperscript{122}


\textsuperscript{120} Ibid.

\textsuperscript{121} Shyam Kumar, Nuclear Non-Proliferation Treaty: A Land Mark of Disarmament, Kilaso Books, New Delhi, 2006, p. 32.

France and China the two nuclear weapons powers who refused to, to could not, be included as co-sponsors of the NPT\textsuperscript{123} and they would remain non-signatories to the NPT for two decades.\textsuperscript{124}

**Main Provisions of NPT**

The treaty contains preamble and eleven articles.

The aim of the NPT as spelt in Para 8 of the preamble is to end the arms race earliest possible date and to undertake effective measures in the direction of nuclear disarmament. Para 9 urged all the states to co-operate in the endeavour. This objective is converted into an obligation in article VI of the treaty. The Para 10 seeks to achieve the discontinuance of all tests explosion of nuclear weapons for all time and to continue negotiations to the end.\textsuperscript{125}

It is interesting to note that the treaty’s aims to stop the arms race, to stop the nuclear testing and to move towards nuclear disarmament are set forth in considerable detail in the preamble but only very briefly in article VI. In contrast, the treaty’s aim to stop horizontal proliferation has not been articulated fully in the preamble but has been dealt extensively in article I, II and III.

**Article I**


\textsuperscript{124} Sarah J.Dielh and James Clay Maltz, No. 23, p. 14.

\textsuperscript{125} Shyam Kumar Singh, No. 22, p. 39.
Article I of the NPT obliges nuclear weapon states parties not to assist non-nuclear states to acquire nuclear arms. By implication this obligation also applies to non-nuclear weapon states.

The treaty does not prevent a nuclear state from placing atomic weapons on the territory of a non-nuclear state on the condition that it keeps them under its protection in its possession and under its control.\(^ {126}\)

**Article II**

Article II of the NPT obliges non-nuclear weapon states parties to the treaty to refrain from acquiring nuclear weapons.\(^ {127}\)

This article is the obscure side of article I. A NNWS (Non-nuclear weapon state) may neither accept nuclear weapons or nuclear explosive devices nor control over them directly or indirectly nor manufacture them.

**Article III**

This is the most important NPT article in operational terms. Safeguards constitute the control element of the NPT. Therefore, the conclusion of a safeguards agreement with the IAEA (International Atomic Energy Agency), in accordance with paragraph 7 of article III, is the basic obligation of only and every non-nuclear weapon party to the treaty.\(^ {128}\)

These are applied also to all source material and fissile products “in all peaceful nuclear activities under its jurisdiction or carried out under its control anywhere.”


There are no safeguards over material intended for non-peaceful purposes which is exported to transferred to nuclear weapon countries by non-nuclear countries.  

A non-nuclear state not party to the treaty also has to enter into an agreement with the IAEA but the safeguards are not far all peaceful nuclear activities but material delivered or produced with the help of equipment supplied by the state which is a party to the treaty.

**Article IV**

Article IV of the NPT affirms that the NWS (Nuclear Weapon State) shall help the NNWS, the more advanced shall help the less advanced and shall especially help the developing countries in the festering the peaceful uses of nuclear energy.

**Article V**

Article V of the treaty provides for peaceful nuclear explosion (PNE) services by the nuclear weapon states to non-nuclear weapon states (NNWS) under international supervision.

The article consists of an undertaking by every party to take measures “to ensure that: potential benefits from any peaceful application of nuclear explosions will be made available to NNWS party to the treaty on a non-discriminatory basis” and as cheaply as possible.

**Article VI**

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Article VI of the NPT is the most amazing of all its article. There are two distinct understanding to negotiate in good faith with a view to ending the nuclear arms race at an early date and reversing it, to negotiate a treaty on general and complete disarmament etc. Instead of placing the responsibility on the nuclear state for nuclear disarmament, Article VI has placed the responsibility on “all the parties to the treaty to pursue negotiations in a good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general and complete disarmament” undertaking strict and effective international control.

Article VII

Little has to be said about this brief article as it does not have counterpart in the preamble and that it is rather negatively and defensively warred.

Nothing in this treaty affects the right of any group of states to conclude regional treaties in order to assure the absence of nuclear weapons in their respective territories.

The article was inserted in the NPT at the request of the Latin American states, who incited on making it clear that the treaty of Tlatelalco would not be affected by either the success or failure of the NPT.

Article VIII

This article is related to amendment and review of the treaty. The first two paragraphs of this article establish the extremely difficult procedure for amending the

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135 William Esptein, No. 27, p. 207.
treaty. Any treaty party may propose an amendment and, if one third of the parties request it, a special meeting must be convened to consider it. But approval of an amendment requires the support of a majority of all NPT parties, including all five nuclear powers and all members of the IAEA board of governors that are also NPT states. Any amendment so approved enters into force only after a majority of NPT parties, including the nuclear weapon states and the NPT members of the IAEA board of governors deposit their instruments of ratification of the amendment. Even then the amendment is only binding on those states that deposit an instrument of ratification of the amendment. With this procedure, it is not surprising that no treaty amendment has ever been formally proposed.\footnote{136}

The last (third) Para of this article requires NPT members to meet five years after the treaty’s entry into force to review its operation.

**Article IX**

The entry into force of the NPT had to await the deposit of instruments of ratification by forty NNWS as well as the five NWS.\footnote{137}

The only states that are recognized under the NPT as nuclear weapon states are Britain, China, France, the Soviet Union and the United States.

**Article X**

Article X permits countries withdrawal at three months notice if superior national interests related to the substance matter of the treaty force them to do so. State party must explain to other parties and the UN Security Council the factors that have precipitated the decision to withdraw from the treaty.

\footnote{136}{\textit{Arms Control Today}, March 1995, Vol. 25, No. 2, p. 23.}

\footnote{137}{David A.V. Fisher, No. 31, p. 27.}
Article XI

Article XI of the NPT established in English, Russian, French, Spanish and Chinese as equally authentic treaty languages.

India and the NPT

India has expressed vociferous protest against the intrinsically discriminatory nature of the Nuclear Non-Proliferation Treaty, ever since the conclusion of the Non-proliferation Treaty in 1968.

In 1965, along with a small group at non-aligned countries, India had put forward the idea of an international non-proliferation agreement under which the nuclear weapons states would agree to give up their arsenals provided other countries refrained from developing or acquiring such weapons. This balance of rights and obligations was absent when the Nuclear Non-proliferation treaty (NPT) emerged in 1968.

However India refused to be a signatory to the NPT, India was an active member of United Nations ENDC, which negotiated nuclear and conventional disarmament before the super-powers began the bilateral arms control process.138

The Lok Sabha debated the NPT on 5 April 1968. The then Prime Minister, late Smt. Indira Gandhi, assured the house that “we shall be guided entirely by our self-enlightenment and the considerations of national security”. She highlighted the shortcomings of the NPT whilst reemphasizing the country’s commitment to nuclear disarmament. She warned the House and country “that not signing the treaty may bring the nation many difficulties. It may mean the stoppage of aid and stoppage of help.

Since we are taking this decision together, we must all be together in facing its consequences”. That was a turning point. This house then strengthened the decision of the Government by reflecting a national consensus. Our decision not to sign the NPT was in keeping with the basic objective of maintaining freedom of thought and action.\footnote{Lok Sabha debates April 5, 1968}

India believed that the treaty was seriously flawed and did not really aim to bring about Non-proliferation of Nuclear weapons. India therefore did not accede to the treaty and continues with this position till date. These were specific articles, which were objected to by India in the NPT for significant reasons. These were\footnote{Lewis A. Dunn, “The NPT and the Future of Global Security”, in David B. Dewitt, Non-Proliferation and Global Security, Croom Helm Ltd., London, 1987, p. 204.}:

Article I prohibits the transfer of nuclear weapons or other nuclear explosives to any state whether a state is party to the treaty or not, whether a nuclear weapon state or not, directly or indirectly through an alliance.

Article II prohibits non-nuclear weapon signatories from manufacturing or otherwise acquiring nuclear weapons or devices including peaceful nuclear explosives.

Article III obligates non-nuclear weapon parties to accept international safeguards as specified in a special arrangement with the IAEA.

Article IV states that all parties to the treaty have a right to full exploitation of the use of nuclear energy for peaceful purposes and obligates these parties to cooperate with other countries in developing nuclear technology.
Article V obligates the nuclear weapon parties to make available nuclear explosives for peaceful purposes for non-nuclear weapon parties under international supervision or as low as possible excluding any charges for research and development costs.

Explaining India’s stand the Indian ambassador Azim Hussain made the following statement at the 1567th meeting at the first committee of the United Nations on May 14, 1968:\footnote{Gopal Singh & S.K. Sharma (ed.), “Documents on India”, \textit{Nuclear Disarmament Policy} (Indira Gandhi era), Vol. II, Anamika Publishers, New Delhi, 2000, pp. 741-54.}

The treaty did not ensure the Non-proliferation of nuclear weapons but only stopped the dissemination of weapons for non-nuclear weapon states without imposing any restriction on the continued manufacture, stockpiling and sophistication of nuclear weapons by existing nuclear weapon powers.

The treaty did not do away with the special states of superiority associated with power and prestige confined to these powers, which possessed nuclear weapons.

The treaty did not provide a balance of obligation and responsibilities between nuclear weapon states and non-nuclear weapon states.

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

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

Article V of the treaty appears to legitimise the present state of affairs and legalise if not encourage an unrestricted vertical proliferation by present nuclear weapon powers.
Article VI did not create a judicial obligation in regard to cessation of nuclear arms race at an early date. The treaty imputed a false sense of security to the world.

It was discriminatory in regard to safeguards and control, which were all imposed on non-nuclear weapon states, which the nuclear states had not accepted any. The security assurances could not be quid pro-quo for acceptance of the treaty. These safeguards must be obligatory for nuclear weapon states.\(^\text{142}\)

India opposes the NPT for security reasons also. China is India’s largest neighbour and a rising major power. Andrew Koch says that\(^\text{143}\) China’s nuclear and missile outstrip those of India which has neither the nuclear fire power nor the delivery system to pose a serious threat to India’s heartland. The Chinese tests gave India’s nuclear establishment for opening it needed to successfully argue for a nuclear weapons programme. China possesses the ability to wreck intolerable devastation on India at all levels of nuclear escalation. If these security considerations are then extrapolated to include ramifications of the Non-proliferation treaty. India could find itself in a permanent inferior position vis-à-vis China and without credible minimal nuclear deterrent. Such an outcome would prove intolerable for India.”

India is critical of the NPT because it also prohibits the transfer of technology for peaceful development of nuclear energy. The NPT and the associated trade controls have been directed against the developing world and against India in particular. The NPT confirms power in a small minority of states while denying it to a large majority.


A number of specific arrangements restrict the transfer of nuclear related technology e.g. the London Suppliers Group.  

India as the principal opponent of the nuclear Non-proliferation treaty has become a major target of American export controls and US led multilateral cartels such as the Wassenaar arrangement, London club and missile technology control regime.

The NPT was a discriminatory treaty as the nuclear powers were free to manufacture unlimited number of nuclear weapons under the Nuclear Non-proliferation treaty. This meant that the expansion of nuclear weapons by the nuclear weapon states would not be considered proliferation, while similar activity by non-nuclear weapon states will be regarded as proliferation. The net result was that they haves can have more and they haves not can have anything.  

Under the NPT only non-nuclear states were subject to inspection verification by the International Atomic Energy Agency. India which had developed nuclear technology independently therefore rejected the NPT.  

India’s decision to build her own nuclear arsenals in response to an environment in which nuclear weapon states have not meaningful steps towards nuclear disarmament. Unless genuine assurances with regard to nuclear disarmament are forthcoming from nuclear weapon states and confidence created any the non-nuclear

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144 Praful Bidwai, Achin Vanaik, *South Asia on a Short Fuse*, Oxford University Press, New Delhi, 2000, p. 239.


weapon states, the proliferation of nuclear weapons to more countries is bound to take place sooner or later.\textsuperscript{147}

The security assurance given to non-nuclear weapon states in the context of the NPT, under Security Council resolution 255 of 19 June 1968 are inadequate “considering that only those powers could use nuclear weapons, it could not be expected that an aggression would consent to a collective action being taken against it.”\textsuperscript{148}

For India, the NPT is legitimate and non-rational because it is a denial of the equality of opportunity to proliferate, for most the regime in enable to providing security from proliferation and the promise of eventual disarmament.\textsuperscript{149}

India has maintained effective export controls on nuclear materials as well as related technologies even though we are neither a party to the NPT nor a member of the nuclear. Suppliers Group. Nonetheless, India is committed to non-proliferation and the maintaining of stringent export controls to ensure that there is no package of our indigenously developed know-how and technologies. In fact, India’s conduct in this regard has been better than some countries party to the NPT.

India has in the party conveyed our concerns on the inadequacies of the international nuclear non-proliferation regime. It has explained that the country was not in a position to join because the regime did not address our country’s security concerns these could have been addressed by moving towards global nuclear disarmament, our


preferred approach. As this did not take place, India was obliged to stand aside from the emerging regime so that its freedom of action was not constrained.

Since 1968, when NPT was passed by UN, USA put pressure on India to sign the NPT. But India always rejected the plea and pressure of USA, due to the discriminatory nature of NPT. India wanted to eliminate the discriminatory provision of NPT. But America did not agree with Indian view. This treaty remained a cause of conflict between the India and USA.

In 2009 India rejected the Plea of Brack Obama to sign the NPT. Sticking to its position, India ruled out signing the Nuclear Non-proliferation Treaty (NPT) in its present forms but made it clear that it was committed to ridding the world of nuclear weapons.\(^{150}\)

Prime Minister Manmohan Singh’s Special Envoy on climate change Shyam Saran told reporters in Pitts burgh that India does not intend to be a party to the NPT as a non-nuclear weapon state. “We are committed to nuclear disarmament and at the same time we are also committed to unilateral moratorium on nuclear tests,” he said on being asked whether India would sign the treaty in the wake of the UNSC asking non-NPT states to sign it.\(^{151}\)

“Nuclear weapons are an integral part of India’s national security and will remain so, pending non-discriminatory and global nuclear disarmament,” India’s Permanent Representative to the UN Hardeep Singh Puri said in a letter to the Security Council in September, 2009.

Article VIII of the treaty arranged for the review conference after every five years since the treaty went into effect in 1970. Each conference has sought to find agreement on a

\(^{150}\) www.dnaindia.com

\(^{151}\) Ibid.
final declaration that would assess the implementation of the treaty’s provision and make recommendation on measure to further strengthen it.

In May 2010, the eighth review conference for the treaty on the non-proliferation of nuclear weapons was held at UN Headquarters in New York from 3 to 28 May 2010. India that have never signed the NPT did not take part in review conference.\(^{152}\)

**Review conferences**

**First Review conference – 1975**

The first NPT Review conference was held in Genara from May 5 to May 30, 1975. The Nuclear haves concentrated more on the technical issues like effective control, export policy of supplier countries, establishing regional or multilateral nuclear fuel cycle centers and feasibility of PNEs. Many countries questioned the feasibility of the implementation of Article IV. They felt that non-parties had benefited more from international exchange in the field of peaceful uses of nuclear energy the portion to the treaty.

The USA and USSR had divergent views on PNEs. The US doubted their utility where the Society Union considered then useful.\(^ {153}\)

In the end, in an attempt to break the dead-lock and save the conference from complete failure, the President Inga Thorsson of Sweden, proposed a bland compromise incorporating the broadly acceptable technical proposals and urging greatest efforts by the nuclear powers to carry out their Treaty commitments.\(^ {154}\)

\(^{152}\) en.wikipedia.org/2010-npt_Review_Conference


Second Review Conference – 1980

The Second NPT Review conference was held in Geneva on 11 August to 7 September 1980.

The conference pursued work in two main committers; the first one was given the task of reviewing NPT provisions relating to non-transfer and non-acquisition of nuclear weapons, as well as disarmament obligations and security assurances. Committee II dealt with the provision of peaceful application of nuclear energy including safeguards.155

The Soviet Union speaking on behalf of the Socialist states, viewed the work of the Second Review conference as reflecting the deep interest on the part of all states in strengthening the NPT. It was certain that new steps would be taken to strengthen the treaty and the socialist states would be everything in their power to ensure that the objective would be attained.156

The G-77, insisted that assistance by the Nuclear–haves had contributed to development of nuclear weapon capability, particularly in South Africa and Israel and insisted that exporters should terminate cooperation with those countries. Other delegation said that the problem was not limited to the two states alone and expressed concern over similar developments in other regions.157

As for the obligations of non-nuclear weapon states under the treaty, the conference confirmed that these had been observed. There was no evidence of any non-

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156 S.J.R. Bilgrami, No. 54, p. 227.
nuclear party to the NPT having manufactured or otherwise acquired nuclear explosive device.\textsuperscript{158}

The participants laid much stress on the issue of nuclear-free zones for the security of a region. They urged nuclear powers to undertake binding commitments to refrain from use or threat of use of nuclear weapons against states in such zones.

The Second NPT reviews conference failed to adopt a consensus declaration.

\textbf{Third Review Conference – 1985}

The Third NPT Review Conference took place in Genera from August 27 to September 21, 1985.

The main issues discussed in the conference were: the questions of ease of accuses to nuclear technology for peaceful purposes as against the emphasis laid by many supplier states on non-proliferation considerations, leading to rather restrictive export policies, the question of adequacy and stringency of safeguards, the issue of nuclear weapon free zones in various parts of the world.\textsuperscript{159}

The Non-aligned group led Mexico introduce three draft resolution on a comprehensive test ban moratorium on testing and a freeze an nuclear arms race.\textsuperscript{160} The developed countries opposed this move.

\textsuperscript{158} World Armament and Disarmament, SIPRI, Year Book 1981, Appendix 108 (Article II Para 7), 344.


\textsuperscript{160} D. Shaym Babu, Nuclear Non-Proliferation: towards a universal NPT regime, New Delhi, 1992, p. 92.
This review conference has been described as successful by western authors for many reasons. Those were: sign of detente between the US and USSR and the realization by countries like Egypt of the contribution of the NPT to their security.\footnote{Hearld Muller, Fisher & Walfgang Kotter, Nuclear Non-proliferation and Global Order, Oxford University Press, 1994, p. 32.}

**Fourth Review Conference – 1990**

The fourth review conference of the NPT was held from August 20 to September 14, 1990 in Genera.

North Korea proposed a text supporting its contention that the US nuclear threat was the impediment to the conclusion of its safeguards agreement and that the creation of a Korean NWFZ (Nuclear Weapon free zone) would solve the matter. South Korea Countered that a NWFZ must tape account of the characteristics of the region and must be on the basis of arrangements freely arrived at among the states of the region concerned.\footnote{SIPRI Year Book, 1991, p. 574.}

The 4\textsuperscript{th} review conference failed to adopt a final document. Disarmament over CTBT was the main issue, although differences persisted over other issues on which members accepted compromises of only to bring about a consensus.

**Fifth Review Conferences – 1995**

The Fifth Review Conference was held at New York from 17 April 1995 to 12 May 1995. In a major triumph for the diplomatic and political clout of the US, the member states of the NPT have agreed to make the treaty a permanent international
arrangement. They also called on non-parties to NPT such as Israel, India and Pakistan to join the treaty and place all their nuclear installation under international control.\textsuperscript{163}

The unconditional indefinite extension proposal has the support of at least 109 out of 178 NPT states and can pass easily. But the catch is that some major developing countries do not support it.\textsuperscript{164}

**Sixth Review Conference- 2000**


This review conference emphasized on\textsuperscript{165}

- the importance and urgency of signatures and ratifications on CTBT without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

- The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a


\textsuperscript{165} http://www.reachingcriticalwill.org/legal/npt/13point.html
programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

- The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.

- An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.

- The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

- Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

  - Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
  - Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
  - The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
  - Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
- A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.

- The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

- Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete under effective international control.

**Seventh Review Conference - 2005**

The 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was held from 2 to 27 May 2005 at the United Nations Headquarters in New York. The conference, which was attended by 153 of the 188 NPT parties in good standing, foundered on procedural wrangling, but its failure was due to political manoeuvring and the self-protection rackets run by a small number of states who wanted to keep their own nuclear options as unfettered as possible.

NPT states were confronted with a very difficult task when they assembled on May 2 in New York. All agreed that non-proliferation faced some tough and unresolved challenges to its integrity and effectiveness, but they differed in how they characterised the major threats and what they wanted to be done.

It was made clear that everyone except the United States wanted the Review Conference to give a strong endorsement to CTBT entry into force. From all sides, the CTBT was very strongly supported, and it was noted that a ban on all nuclear tests was promised in the NPT's preamble and then underlined as of the highest priority in 1995,
when the treaty was indefinitely extended, and again as the first item in the practical steps for nuclear disarmament agreed in 2000.\textsuperscript{166}

A large number of states also mentioned the necessity to negotiate a ban on the production of fissile material (highly enriched uranium or plutonium) for weapons purposes.

Most NAM statements continued to call for “a non-discriminatory, multilateral and internationally and effectively verifiable treaty”, while many west-leaning statements fudged the question of verification, calling in shorthand just for an (undifferentiated) treaty or FMCT. The NAM, which has a long-standing demand for legally binding agreement containing unconditional security assurances, originally wanted two separate subsidiary bodies on practical disarmament steps and on security assurances. Pressed by the president, the NAM reluctantly agreed to just one subcommittee to cover both issues.\textsuperscript{167}

A large number of statements raised concerns about North Korea, which announced its withdrawal from the NPT in 2003

In a very hard-hitting statement that condemned North Korea's "complete disregard for and defiance of all nuclear non-proliferation norms" and called for Pyongyang to take "the strategic decision to abandon and dismantle once and for all its entire nuclear weapons programmes",

The conference supported disarmament education and urged more effective progress in implementing nuclear disarmament commitments and respecting NWFZ agreements in full. Significantly, given its position on the proliferation front line, South Korea joined Ireland, Canada, Sweden and a growing number who advocated giving the NPT more powers for enforcement, including annual meetings and 'emergency' powers.

\textsuperscript{166} http://www.acronym.org.uk/dd/dd80/80npt.htm#top

\textsuperscript{167} Ibid.
The conference failed to produce consensus final document. The failure to get a consensus final document was long predicted, but with different leadership and some constructive strategies, it might have been possible for the 2005 Review Conference to further the aims of non-proliferation with some other kind of statements, agreements or even resolutions. Instead, it was debilitated by a dismal lack of leadership and the entrenched positions and proliferation-promoting policies of a small number of influential states, including the United States and Iran, as they pursued their narrowly defined self interests and sought to keep open their different nuclear options.

**Eighth Review Conference – 2010**

In May, the 2010 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was held at United Nations Headquarters in New York from 3 to 28 May 2010. The President of the Review Conference is Ambassador Libran N. Cabactulan of the Philippines. UN Secretary-General Ban- Ki-moon used the opening of the conference to note that "sixty five years later, the world still lives under the nuclear shadow".

The Review Conference is expected to consider a number of issues, including: universality of the Treaty; nuclear disarmament, including specific practical measures; nuclear non-proliferation, including the promoting and strengthening of safeguards; measures to advance the peaceful use of nuclear energy, safety and security; regional disarmament and non-proliferation; implementation of the 1995 resolution on the Middle East; measures to address withdrawal from the Treaty; measures to further strengthen the review process; and ways to promote engagement with civil society in strengthening NPT norms and in promoting disarmament education.\(^{168}\)

The Conference closed on May 28th and until the last minute was hard to know if it would have a positive outcome, as the risk of blocking persisted. Consensus was achieved during the afternoon that day, when the plenary was finally gathered and Ambassador Cabactulan got the approval for his proposal of Final Document.\textsuperscript{169}

**TTBT (Threshold Test Ban Treaty)**

Threshold Test Ban Treaty (TTBT) was signed in Moscow on 3 July 1974 by USA and USSR.\textsuperscript{170} The treaty prohibited the underground testing of nuclear explosives with yields greater than 150 kilotons. Again this was agreed at the Moscow Summit, but has not yet been ratified by the United States.

**CTBT (Comprehensive Test Ban Treaty)**

India has remained in forefront in advocating a CTBT influenced by the genuine desire for world peace. India was among the first countries to demand a complete test ban since the 1950s.\textsuperscript{171} Prime Minister Morarji Desai made a proposal in the UN General Assembly for a CTBT in June 1978.\textsuperscript{172} Rajiv Gandhi in his Action Plan of 1988 had offered to sign the CTBT.\textsuperscript{173}

But world nuclear powers that could have made a difference were not listening. The US approach to the proposal of CTBT is highly educative as to how superpowers

\textsuperscript{169} Ibid

\textsuperscript{170} Attar Chand, *Global Nuclear Politics*, UDH Publications, Delhi, 1983, p. 28.


\textsuperscript{172} P.M. Kamath, *India’s Policy of No First Use of Nuclear Weapons*, Anamika Publishers, New Delhi, 2009, p. 34.

\textsuperscript{173} Ibid.
had scant respect for world opinion and refused to see beyond their national self-interest. Ronald Regan who interacted with Mrs. Gandhi as well as Rajiv Gandhi was the one least interested in it. After initial talks in Geneva that began in June 1982, in July he declared that there was no great sense in pursuing it until the previous test ban treaties were made more verifiable. But that explanation was not even by American themselves. The Regan administration simply wanted to keep on testing more nuclear warheads.\(^{174}\)

His Successor G.H.W. Bush did not change the US approach to the CTBT. However, the US stance at the CTBT changed radically from one of opposition to the support in 1993.\(^{175}\) In 1993 after the end of the Cold War Bill Clinton, a Democrat took considerable interest and invested his public goodwill in securing the passage of the CTBT.\(^{176}\)

1993 was a landmark year for the CTBT. The United States co-sponsored with India several other states a resolution on CTBT in the UN General Assembly at the 1993 session. The resolution was endorsed on 16 December 1993 unanimously (without voting).\(^{177}\)

On September 22, 1996 in New York, Bill Clinton, along with the foreign ministers of China, the UK, France and Russia signed the Comprehensive Test Ban Treaty (CTBT) which was voted on by the UN General Assembly on September 11. The Conference on Disarmament (CD), consisting of 62 states, (44 of which have nuclear capabilities, energy or military), had been underway in Geneva since January


\(^{175}\) P.M. Kamath, No. 51, p. 35.

\(^{176}\) *Ibid.*

\(^{177}\) *The United Nations Disarmament Year Book, Vol. 18, 1993, New York, 1994, p. 46 (CD/1231).*
1994 to negotiate a draft test-ban treaty. Under the norms established at that time, the CD had to endorse a draft treaty unanimously before sending it to the UN General Assembly for final approval by August 1996.\textsuperscript{178}

But the CD ultimately did not reach agreement on a basic text, primarily because of opposition from Iran and India. In Geneva, India's representative declared that India would "never sign this unequal treaty, not now, not ever" and essentially vetoed the draft treaty. Ultimately, the CTBT was only brought up for vote before the UN General Assembly, as a "private nation's bill" by Australia - a backdoor method widely considered to be at the instigation of the US. In New York, only India, Bhutan and Libya voted against the CTBT, while Tanzania, Lebanon, Cuba, Mauritius and Syria abstained after expressing their grave reservations.\textsuperscript{179}

In order for the CTBT to enter into force internationally, it must first be signed by all 44 nuclear-power countries - and must also be ratified within the respective political institutions of each one within a three-year time limit. If the bill has not entered into force within this time, it can be re-opened for further negotiation. Given the stand that India has taken, it is quite likely that the treaty will not go into force for the next three years. It is anticipated that for the time being, the CTBT will be the basis for intense carrot-and-stick politicking by the US to get India to tone down or drop its opposition under threat of isolation.

The kernel of India's objection to the CTBT is that as with the earlier nuclear treaties, it divides the world permanently into nuclear "haves and have-nots" - and more importantly, that it puts India permanently in the camp of the "have-nots".

\textsuperscript{178} http://www.columbia.edu/cu/ipsg/ctbt.htm

\textsuperscript{179} Ibid
What India has demonstrated with its intransigence over the CTBT is that within the realities of present-day global geopolitics, nuclear weapons hold the key to big-power status. India's rulers cannot realise their big-power ambitions if they do not have nuclear weapons, or if they ever agree to being stuck as a second-class citizens in the global nuclear hierarchy.

The CTBT was approved, proposed after as many as 2046 nuclear tests since the first use to Hiroshima and Nagasaki in August 1945. The chief spokesman of the CTBT had in the span of 51 years conducted 1030 tests, followed by Russia 715, France with 210, and UK and China 45 tests each. With its strategic frontiers and vulnerable seacoast, India could not surrender its freedom. China had acquired the status of NWS and was openly assisting Pakistan with its nuclear program. America and North Korea also helped it in developing arsenal. The overall security imperative in the Indian subcontinent was overlooked by the NWS.180

The CTBT bans all nuclear explosions in all environments for military or civilian purposes. It was adopted by the UN General Assembly on 10 September 1996 but it has not yet entered into force.181

The treaty will enter into force 180 days after the 44 states listed in Annex 2 of the treaty. These “Annex 2 states ( Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Democratic People's Republic of Korea, Egypt, Finland, France, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Romania, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Zaire ) are states that participated in the CTBT’s negotiations

180 http://www.indiastudychannel.com/resources/111833-India-CTBT.aspx
between 1994 and 1996 and possessed nuclear power reactors or research reactors at that time.\(^{182}\)

As April 2009 nine Annex 2 states have not ratified the treaty: China, Egypt, Indonesia, Iran, Israel and USA have already signed the treaty whereas India, North Korea and Pakistan have not yet signed it.\(^{183}\)

On 13 Oct. 1999 the United States Senate rejected ratification of the CTBT. President Barack Obama stated during his 2008 election campaign that “As President I will reach out to the senate to secure the ratification of the CTBT at the earliest practical date.”\(^{184}\)

**Main Provisions of the CTBT\(^{185}\)**

**Article I – Basic Obligations**

Each state party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.

**Article II – The Organisation**

There are three organs of the organisation: the conference of the state parties, the Executive Council and the Technical Secretariat.

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\(^{183}\) *Ibid.*

\(^{184}\) “Nuclear Testing is an Acceptable Risk for Arms Control”, *Scientific American*, March 2009.

Article III – National Implementation Measures

Each state party in accordance with its constitutional processes, take any necessary measures to implement its obligations under this treaty.

Article-IV – Verification

In order to verify compliance with this treaty, a verification regime shall be established consisting of the following elements: An International monitory system; Consultation and clarification; On site inspections; and confidence building measures.

Article-V

This article is related to measures to redress a situation and to ensure compliance, including sanctions.

Article-VI – Settlement of Disputes

Disputes that may arise concerning the application or the interpretation of this treaty shall be settled in accordance with the relevant provisions of this treaty and in conformity with the provisions of the charter of the United Nations.

Article-VII – Amendments

At any time after the entry into force of this treaty, any state party may propose amendments to this treaty, any state party may propose amendments to this treaty, the protocol or the Annexes to the protocol.

Article-VIII – Review of the Treaty

Unless otherwise decided by a majority of the states parties, ten years after the entry into force of this treaty a conference of the states parties shall be held to review the operation and effectiveness of this treaty, with a view to assuring itself that the
objectives and purposes in the preamble and the provisions of the treaty are being realized.

**Article-IX – Duration and Withdrawal**

This treaty shall be of unlimited duration. Each state party shall, in exercising its national sovereignty, have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matters of this treaty have jeopardized its supreme interests.

**Article-X**

This article is related to status of the practical and the Annexes.

**Article-XI**

This treaty should be open to all states for signature before its entry into force.

**Article-XII – Ratification**

This treaty should be subject to ratification by states signatories according to their respective constitutional processes.

**Article-XIII – Accession**

Any state which does not sign the treaty before its entry into force may accede to it at any time thereafter.

**Article-XIV – Entry into Force**

The treaty shall entry into force 180 days after the date of deposit of the instruments ratification by all states of the treaty, but in no case earlier than two years after its opening the signature.
Article XV  Reservations

The Articles of and the Annexes to this Treaty shall not be subject to reservations. The provisions of the Protocol to this Treaty and the Annexes to the Protocol shall not be subject to reservations incompatible with the object and purpose of this Treaty.

Article-XVI – Depository

The Secretary General of the United Nation shall be the depository of this treaty and shall receive signatures instruments of ratification and instruments of accession.

Article-XVII – Authentic Texts

The authentic languages of this treaty are Arabic, Chinese, English, French, Russian and Spanish.

CTBT and India

India advocated the comprehensive test Ban since 1950s. India wanted to fix a time frame to destruct the existed nuclear weapons. But the Nuclear weapon states who had a huge stock of nuclear weapon could not agree with Indian view of Nuclear Disarmament. A time bound elimination of nuclear weapons figured for the first time in India’s stand at the General Assembly. When Mrs. Indira Gandhi, India’s prime-minister in her message to the second special session on Disarmament on 11 June
1982\textsuperscript{186}, suggested that all nuclear weapons states should eliminate nuclear weapons and suspended nuclear tests. On 9 June 1988, Prime Minister Rajiv Gandhi reiterated\textsuperscript{187} a time bound elimination of nuclear weapons as an integral part of all three-stage abolition by the year 2010, in his address to the third UN Special Session on Disarmament.

India advocated a time bound elimination for CTBT provisions. A time bound elimination of nuclear weapons conceived by India as an integral part of the CTBT, as expounded by Arundhati Ghose, isolated India at the CD (Conference on Disarmament) negotiations.\textsuperscript{188}

India’s position on CTBT was cleared by foreign secretary on 20 June 1996. He told that: \textsuperscript{189} India cannot subscribe to the CTBT in its present form because:

It is not a measure for nuclear disarmament. We do not see it as an effective step towards a nuclear-weapons-free world.

It is not truly comprehensive – these are many loopholes. In these respects, it has not lived up to its own mandate. It does little to enhance global security, for which decisive nuclear disarmament in a time bound framework is needed. There is no benefit to the security environment of our region. Due to the discriminatory nature of this treaty India


\textsuperscript{187} \textit{Ibid.}

\textsuperscript{188} \textit{Ibid.}, p. 175.

representative declared that India would “never sign this unequal treaty not now, not ever” and essentially vetoed the draft treaty.\(^{190}\)

India has argued against the CTBT on four counts. First, India sought a commitment from the Nuclear Weapon States to negotiate nuclear disarmament within a time bound framework as a condition of its support for a CTBT. Second, India argued that the CTBT would not contribute to nuclear disarmament because it banned nuclear explosive testing, but not other activities related to nuclear weapons, such as sub critical (non-nuclear explosive) experiments or computer simulations. Third, India asserted it would not sign the CTBT because it wanted to maintain its strategic flexibility. During the CTBT debate, Ambassador Prakash Shah, India’s permanent representative to the United Nations, stated that India "cannot permit our option to be constrained as long as countries around us continue their weapon programmes either openly or in a clandestine manner" and as long as "Nuclear Weapon States remain unwilling to accept the obligation to eliminate their nuclear arsenals."

Finally; India objected to the CTBT's provision for Entry into Force. This provision, which requires the signature and ratification of 44 states (those listed by the International Atomic Energy Agency as having research or power reactors and that were also CD members as of 18 June 1996), was crafted to ensure that all states with the relevant nuclear capabilities would be committed before Entry into Force. If the Treaty still has not entered into force three years after being opened for signature, a special conference of states that have ratified the treaty can be convened on an annual basis to consider measures to expedite Entry into Force. New Delhi argued that the Entry into

Force provision was a breach of Indian sovereignty, as it enforced obligations on India without its consent.  

Ironically, just as India claims that the present CTBT is a means of furthering the NWSs' hegemony; powerful conservative lobbies have emerged in the NWSs which oppose the treaty precisely because it is an effective restraint measure which will impede their hegemony.

Another crux of India’s argument against the CTBT was the perilous security environment in South Asia, in which India had limited options as a non-nuclear weapon state to deal with the lurking challenges from China’s nuclear arsenal and Pakistan’s nascent weapons program. By signing the CTBT, India would have foregone the right to test nuclear devices, wet its primary nuclear-armed adversary, China, would be able to retain its nuclear weapons under the treaty and could even upgrade them through sub critical experiments. Pointing to this disparity, an Indian representative told the U.N. General Assembly in September 1995: “[We note that] nuclear weapon states have agreed to a CTBT only after acquiring the know-how to develop and refine their arsenals without the need for tests... Developing new warheads on refining existing ones after [the] CTBT is in place, using innovative technologies, would be... contrary to the spirit of [the] CTBT.”

Later, New Delhi demanded a “complete cessation of nuclear tests in all environments and for all time” and “a binding commitment...within an agreed time frame, toward the creation of a nuclear-weapon-free world.”

Specifically, New Delhi felt that the CTBT was inadequate in terms of securing disarmament commitments from the nuclear weapon states under declared deadlines. It


192 http://www.thebulletin.org/india-and-the-ctbt-th...
saw this as a discriminatory replication of the imbalance inherent in the Nuclear Non-Proliferation Treaty (NPT) regime, in which nuclear weapon states are weakly obligated to disarm and non-nuclear weapon states are strongly obligated to remain non-nuclear. The lack of commitments by the nuclear weapon states to eliminate their nuclear weapons under a declared time frame also compelled India to oppose Article XIV of the NPT.193

The, then, External Affairs Minister I.K. Gujral in Indian parliament on July 15, 1996 said that it is matter of regret that CTBT, as it has emerged does not do justice to the mandate without being anchored in the nuclear disarmament framework, it will not contribute to the process of nuclear disarmament.194 Unfortunately the nuclear weapon states remain unwilling to make any meaningful commitment with regard to eliminating their nuclear arsenals.195

In 1998, US gave India an ultimatum to sign the treaty before September, 1998. India came under tremendous political pressure. But in May 1998, India conducted 5 nuclear explosions and declared themselves as a nuclear power. This was done to ensure that even if India was forced to sign the treaty, they are already a nuclear power. Hence India cannot be considered as new nuclear power and hence that clause won't be technically valid for India. But this action caused a lot of protest from the existing nuclear powers and India was isolated both economically and politically by the developed nations. India is still considered as n non-nuclear power by these countries.196

After the 1998 test some started to suggest that India now need not any other test so it can sign on CTBT.DAE also expressed such type of view. Disputing the

193 Ibid.
195 Ibid.
Department of Atomic Energy's claims that the 1998 nuclear tests at Pokhran have generated sufficient data, the former chairman of the Atomic Energy Commission, Mr. P.K. Iyengar, has warned that India needs to test more hydrogen and neutron bombs before signing the Comprehensive Test Ban Treaty. India has tested five fission or atomic bombs (including Pokhran-I) and one fusion or hydrogen bomb so far. Mr. Iyengar was skeptical as to how India, on the basis of just one hydrogen bomb test, could claim that it had sufficient data for a nuclear weaponisation programme. Many more tests will be needed to try out different designs and to perfect a few of them, he told a workshop organized by a private think-tank, Security and Political Risk Analysis (SAPRA) in New Delhi.197

The foreign Secretary of India described the India’s position on current status of CTBT Negotiations.198 He told that it is not a measure for nuclear disarmament. We do not see it as on effective steps towards a nuclear-weapon-free world. It is not truly comprehensive – there are many loopholes. It does little to enhance global security for which decisive nuclear disarmament in a time-bound framework is needed. He emphasized that we support a genuinely comprehensive CTBT. We cannot accept a CTBT with loopholes that could permit the continued development and refining of nuclear arsenals.

Our nuclear policy, as expressed in the CTBT negotiations, in intimately linked with our national security concerns. We have never security concerns. We have never accepted the notion that it can be considered legitimate some countries to rely on nuclear weapons for their security while denying the right to others. This has been a consistent policy, also reflected in our rejection of nuclear Non-proliferation treaty.199

197 http://defenceforumindia.com/showthread.php?t=3288&page=1


199 Ibid.
The US put pressure on India to go along with the west on the comprehensive test ban treaty. She argued that:

The CTBT would guard against the renewal of the nuclear arms race. The Comprehensive Test Ban Treaty would limit the ability of nuclear weapons states to build new nuclear weapons by prohibiting “any nuclear weapon test explosions and all other nuclear explosions.” The ban on nuclear explosions would severely impede the development of new, sophisticated nuclear weapons by the existing nuclear powers. While countries could build advanced, new types of nuclear weapons designs without nuclear explosive testing, they will lack the high confidence that the weapons will work as designed. Thus, the Treaty can impede a nuclear arms buildup by five declared and three undeclared nuclear weapon states.

The CTBT would curb nuclear weapons proliferation. Under the Comprehensive Test Ban Treaty, “threshold” states would be prevented from carrying out the types of tests required to field a modern nuclear arsenal. While a country could develop nuclear weapons for the first time without conducting nuclear explosions, the bomb design would be far from optimal in size and weight and its nuclear explosive power would remain uncertain. The CTBT is therefore vital to preventing the spread of nuclear weapons to additional states, where these weapons could destabilize international security.

The CTBT would strengthen the Nuclear Non-Proliferation Treaty. The conclusion of the CTBT is a key element in the global bargain that led to the signing and the extension of the Nuclear Non-Proliferation Treaty. In May 1995, non-nuclear states


201 http://armscontrolcenter.org/policy/nuclearweapons/articles/reasons_ctbt/
agreed to extend that Treaty in May 1995 with the understanding that Article VI measures in the original treaty — like the CTBT — would be implemented. At the May 1995 NPT extension conference, all nations agreed to “The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996.” Ratification of the CTBT would further legitimize U.S. non-proliferation efforts and lay the basis for universal enforcement of the CTBT, even against the few nations that may not sign.

Nuclear testing is not necessary to maintain the safety and reliability of the U.S. arsenal. The U.S. has a solid and proven warhead surveillance and maintenance program to preserve the safety and reliability of the U.S. nuclear deterrent without nuclear test explosions and this program is being augmented through the Science-Based Stockpile Stewardship Program (SBSS). Although some of the projects that are part of the SBSS program are not essential to the maintenance of the stockpile, many objective experts — both critics and supporters of the program — agree that the program can ensure the safety and reliability of the U.S. nuclear stockpile without resorting to nuclear explosive testing. Through inherent safety features and operational procedures, U.S. nuclear forces are configured to preclude accidental nuclear detonations and minimize the dispersal of radioactive material in the event of an accident. In addition, the nuclear warhead designs of operational U.S. nuclear weapons incorporate additional modern safety features. Since the institution of a new annual warhead safety and reliability certification process in 1995, U.S. nuclear weapons have been twice certified without nuclear test explosions.

The CTBT is effectively verifiable. The CTBT would put into place an extensive, global array of 170 seismic monitoring stations, 80 radionuclide monitoring stations, 11 hydro acoustic monitoring stations, and 60 infrasound monitoring stations to detect and deter possible nuclear test explosions. Monitoring capabilities would be especially sensitive at and around the established nuclear test sites. With this monitoring system,
the CTBT would — with high confidence — be able to detect nuclear test explosions that are militarily significant. In addition, the CTBT would provide an additional deterrent against potential test ban violations by establishing on-site inspection (OSI) rights that could allow detection of the radioactive gases leaking from an underground nuclear test.

The CTBT would substantially enhance current U.S. monitoring capabilities. Whether or not the CTBT is ratified, U.S. intelligence agencies will be tasked with monitoring nuclear weapons programs of the nuclear powers and the efforts of non-nuclear states and groups to attain nuclear weapons. The Treaty will make that task easier by establishing a far-reaching international monitoring system across the globe that would augment existing national intelligence tools. Clearly, U.S. intelligence capabilities to detect nuclear tests and nuclear weapons development programs would be far better with the CTBT.

The CTBT would enhance the international norm against nuclear testing. If the five declared nuclear weapon states ratify the Comprehensive Test Ban Treaty, it will strengthen the global norm against testing and weapons development that helps make the nuclear “have-not” nations far less inclined to develop nuclear weapons. The U.S. has not tested nuclear weapons since 1992 when Congress passed and President Bush signed the Hatfield-Exon-Mitchell legislation establishing a moratorium on nuclear testing. This law, which is remains in effect, says that the U.S. may not conduct a nuclear test explosion unless another nation conducts a test. CTBT ratification would help bring other nations in line with U.S. policy.

The CTBT is supported by a large majority of the American people. The Comprehensive Test Ban Treaty is supported by a large majority of the American people. U.S. public support for a nuclear weapons test ban has remained consistently high since the early days of the Cold War. The most recent poll, conducted in
September 1997 by the Mellman Group, revealed that 70 percent of Americans support United States ratification of a nuclear test ban treaty.

The CTBT is the longest-sought initiative to help reduce nuclear weapons dangers. The Comprehensive Test Ban Treaty marks an historic achievement pursued by Presidents since Dwight D. Eisenhower. For forty years, Presidents and activists have worked for an end to nuclear testing. Previous negotiations have been hindered by international incidents, the failure to compromise at key times, and most importantly, the political dynamics of the Cold War nuclear arms race itself. Ratification of the CTBT would mark an important milestone in the effort to end the nuclear arms race.

The CTBT would protect human health and the environment. Since 1945, six nations have conducted 2,046 nuclear test explosions—an average of one test every nine days. These tests spread dangerous levels of radioactive fallout downwind and into the global atmosphere. A 1997 National Cancer Institute Study estimates that fallout from only 90 U.S. nuclear tests will likely cause 10,000-75,000 additional thyroid cancers in the U.S. Underground testing also poses environmental hazards: each blast spreads highly radioactive material underground; many underground nuclear explosions have vented radioactive gases. The Energy Department reports that 114 of the 723 U.S. nuclear tests since 1963 released radioactive material into the atmosphere.

Two sour ironies mark New Delhi's isolation and humiliation at New York. First, the Indian effort to block and scupper the CTBT by vetoing it at the UN Conference on Disarmament (CD) at Geneva ultimately turned out to be futile. But second, the CTBT as it stands cannot enter into force until 44 specifically named states, including India, ratify it. India has already said it won't sign or ratify. This represents a gain for no one and a loss for the cause of nuclear disarmament and peace. The CD debated the CTBT for more than two and a half years. \(^{202}\)

[^202]: [http://www.ieo.org/pra003.html](http://www.ieo.org/pra003.html)
India’s opposition to the proposed CTBT created very considerable beat is Washington and when it became clear that there was no way India would go along without, Washington asked India to get out of the way and let the draft be adopted. Washington did not really believe that India would muster the will to veto its adoption under the consensus rule and the use of the Indian veto on 20 August 1996 sent shock waves in Washington and other western capitals.203

The US pressure on signing the CTBT become a rallying cry for renewed nationalism in India and a strong insurance against external pressures on the testing of nuclear weapons.204

After the rejection of CTBT by US Senate, the US is now on a weaker wicket to pressurise India on signing the CTBT, the US Senate having shelved the treaty by non-ratification.205

India has visualised the CTBT as part of a step by step process of global nuclear disarmament, leading to the complete elimination of nuclear weapons with a time bound framework.

If India agrees to sign the CTBT unconditionally without obtaining adequate safeguards for its future plan, it would not be able consolidate its gains

203 The Statesman, 21 August 1996.


obtained through the tests. This is a crucial issue on which a national debate should take place.\textsuperscript{206}

It is also a fact that we have certain national security concerns which make it impossible for us to subscribe to a draft CTBT that is merely an instrument for horizontal non-proliferation rather than disarmament. Our security concerns oblige us to maintain our nuclear option.

In the US, the Clinton administration eventually focused on the CTBT signature as the single most important condition for ending the past-1998 sanctions.\textsuperscript{207}

The domestic debate as well as the official thinking and perception of the CTBT were substantially influenced by the passage of the Brown Amendment, the frequent reports on Sino-Pakistan Cooperation in the nuclear and missile related area and the efforts by the big five to craft a treaty that would serve their respective interests best.\textsuperscript{208} K. Subrahmanyam, a leading defence analyst argued\textsuperscript{209}: “Unfortunately India faces a difficult situation in the light of the long established China-Pakistan nuclear weapon and technological relationship. The US Defence Secretary has confirmed in his speech to the National Defence University that the relationship continues. If the CTBT is to serve its purpose, the verification clause should include provisions to monitor the activities of the nuclear weapon powers that they do not transfer proven weapon designs and nuclear weapon technology to non-nuclear weapon powers.”


\textsuperscript{207} C. Raja Mohan, “India Emerging Non-proliferation Order”, \textit{The Second Nuclear Age} in Harsh V. Pant (ed.), Indian Foreign Policy in a Unipolar World, Routledge, New Delhi, 2009, p. 63.

\textsuperscript{208} Chintamani Mahapatra, “Indo-US Relations into the 21\textsuperscript{st} Century”, \textit{Knowledge World}, New Delhi, 1998, pp. 130-31.

During the course of the intense domestic debate over the CTBT and nuclear issues, a section of the people in India did advocate India’s de facto entry into the nuclear club. Another section of the populace was vehemently opposed to nuclear weapons on moral and environmental grounds. And then there were those who believed and supported the policy of keeping the option open. There was another debate about whether the policy of keeping the option open had served the national interests. A section of India’s strategic community strongly believed that the policy had created a certain amount of ambiguity and had served the national strategic objective well at a lesser financial and political cost. Except for a microscopic minority of intellectuals and analysts, none wanted the Government of India to sign on the dated line of the CTBT draft.

Amidst all these developments the Government of India kept reiterating its policy of keeping the nuclear option open. India ultimately rejected the draft CTBT on the ground that the treaty did not respect India’s sovereignty. Against the EIF (Entry into Force) requirement, making it imperative for India to be a party to the treat, Ambassador Arundhati Ghose said that we did not accept any language in the treaty that would affect our sovereign right to decide whether we should or should not accept the treaty.210

In New York, external affairs Minister S M Krishna said India has taken a "principled" stand on CTBT and there is no scope for change in its position unless a number of other "developments" take place to address its concerns.211

The high-level conference on disarmament, addressed by UN General Secretary Ban Ki Moon, asked India and eight other countries to ratify the agreement so that it comes into force.


"We have taken a principled stand and so the question of India revisiting it depends on a number of other developments that would address our concerns," Krishna said emphatically. Earlier, Moon said that "the CTBT is a fundamental building block for a world free of nuclear weapons"\textsuperscript{212}

"By establishing a global norm against testing, the CTBT has made a significant contribution to the world community's efforts to prevent the proliferation of nuclear weapons and to promote nuclear disarmament," he added.

India, which views the NPT as flawed and discriminatory favouring nuclear powers, has made it known to the Security Council that it cannot accept the "externally prescribed norms or standards" on issues that were contrary to its national interests or infringe on its sovereignty.

Questioning the role of the UN in enforcing treaties like NPT, India also made it clear that it will not join the NPT as a non-nuclear weapon state.

After Obama has taken over the president of America, CTBT chapter has again opened up. Obama is trying to persuade even its own senate to approve the draft for signing of the CTBT. The Americans have yet to rectify the CTBT. Obama has also stressed that all those counters which have not signed the NPT should sign the NPT to check the profanation of nuclear weapons India has not responded to the Obama's call. India wants this to be linked with disarmament by the nuclear weapon states\textsuperscript{213}.

US president Barack Obama again put pressure on India to sign the CTBT. But India has asserted it would not sign the Comprehensive Test Ban Treaty – a top non-

\textsuperscript{212} Ib\textsuperscript{id}

\textsuperscript{213} http://www.indiastudychannel.com/resources/111833-India-CTBT.aspx
proliferation priority of the Obama administration – unless the would moves “categorically towards nuclear disarmament in a credible time-frame.” Prime Minister Manmohan Singh’s Special Envoy for Nuclear Issues and Climate Change, Shyam Saran acknowledged that the CTBT is “an issue that has been seen as potentially, a contentious one in our relations with the new US administration.” President Barack Obama has made clear that he will seek senate ratification of, which the US has signed, and India has not”, he said in a key note speech at the Brookings Institution, a Washington think on “The US-India Nuclear Agreement: Expectations and Consequences.” “He had also promised to launch a ‘diplomatic effort to bring on board other states whose ratification are required for the treaty to enter into force,” Saran notes citing from Obama’s letter to Prime Minister Manmohan Singh in September, 2008.214

A former top official who coordinated India’s nuclear weapons programme has cautioned that India should not be “railroaded” into signing the Comprehensive Test Ban Treaty (CTBT) as the 1998 Pokhran tests were not sufficient from the security point of view. “We can’t get into a stampede to sign CTBT. We should conduct more nuclear tests which are necessary from the point of view of security,” K. Santhanam told.215

“We should not get railroaded into signing the CTBT,” Santhanam said when asked about reports of the US pressuring India to sign the CTBT and fresh efforts by the Obama administration to revive non-proliferation activism. Santhanam, a former official with the Defence Research and Development Organisation, said that the

thermonuclear or hydrogen bomb tests - the first and most powerful of the three tests conducted on May 11, 1998 - did not produce the desired yield.\textsuperscript{216}

“India has been a consistent votary of a CTBT but did not sign the CTBT as it eventually emerged because it was not explicitly weapon states and non-nuclear disarmament,” the former foreign secretary said. “For India, this was crucial since it was not acceptable to legitimise, in any way, a permanent division between nuclear weapon states an non-nuclear weapon states,” he said.\textsuperscript{217}

On the issue, If US will link the India’s bid for permanent UNSC seat with NPT and CTBT. “We don’t see those as being at odds,” State Department spokesman P J Crowley told reporters at his daily news conference when asked to explain the US support for India’s UNSC bid despite its refusal to sign the nuclear Non- Proliferation Treaty (NPT) and Comprehensive Test Ban Treaty (CTBT) on the grounds that they were discriminatory in nature.\textsuperscript{218}

He said: “Our support for India is not exclusive of our support for other countries as well,” given President Barack Obama’s pursuit for global disarmament and Japan as well as South Africa’s bid to become a permanent member of the UNSC.

\textbf{Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)}\textsuperscript{219}

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\textsuperscript{216} Ibid
\textsuperscript{217} Ibid.
\textsuperscript{218} http://www.livemint.com/2010/11/17213040/UNSC-berth-for-India-not-linke.html
\textsuperscript{219} http://en.wikipedia.org/wiki/Comprehensive_Nuclear-Test-Ban_Treaty
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The Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) is an international organization that will be established upon the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, a Convention that outlaws nuclear test explosions. The Preparatory Commission for the CTBTO, and its Provisional Technical Secretariat, were established in 1997 and are headquartered in Vienna, Austria.

The Preparatory Commission is tasked with making preparations for effective implementation of the Treaty, in particular by establishing its verification regime. The main task is establishing and provisionally operating the 337 facility International Monitoring System (IMS), including its International Data Centre (IDC) and Global Communications Infrastructure (GCI). The Commission is tasked also with the development of operational manuals, including a manual to guide conduct of on-site inspections.

The CTBTO Provisional Technical Secretariat (CTBTO PTS) started its work in Vienna on 17 March 1997.

CTBTO headquarters are located at the Vienna International Centre, the UN campus that also hosts the International Atomic Energy Agency, the United Nations Office on Drugs and Crime and the United Nations Industrial Development Organization.

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